

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 3030/2019

Priti Chandreshwar Prasad Singh,
Aged about 54 years, Occ. Service,
R/o Flat No.402, 'Shivgiri', Himalaya Empire,
Rameshwari-Besa Road, Narendra Nagar Extension,
Post Parvati Nagar, Nagpur – 27.

PETITIONER

.....VERSUS.....

1. The State of Maharashtra,
through its Secretary,
Higher and Technical Education,
Mantralaya, Mumbai-32.
2. The Joint Director of Higher Education,
Nagpur Division, Nagpur.

RESPONDENTS

WITH

WRIT PETITION NO. 2328/2019

Dr.Anil Shyamrao Zoad,
Aged about 61 years, Occu. Retired Senior
College Lecturer, R/o 72, Surendra Nagar,
RPTS Road, Nagpur 440015.

PETITIONER

.....VERSUS.....

1. The State of Maharashtra,
through its Secretary,
Higher and Technical Education,
Mantralaya, Mumbai-32.
2. The Joint Director of Higher Education,
Nagpur Division, Nagpur.

RESPONDENTS

WITH

WRIT PETITION NO. 2329/2019

Dr.Shafiulla Alim Khan,
Aged about 53 years, Occ. Service,
R/o 1/543, Vidyanagar, T.B. Toli, Gondia,
Dist. Gondia.

PETITIONER

.....VERSUS.....

1. The State of Maharashtra,
through its Secretary,
Higher and Technical Education Department,
Mantralaya, Mumbai-32.
2. The Joint Director of Higher Education,
Nagpur Division, Nagpur.

RESPONDENTS

WITH
WRIT PETITION NO. 3031/2019

Dr.Manish Surendra Deshmukh,
Aged about 46 years, Occ. Service,
R/o Flat No.201, Gajanan Apartment,
Gurudatta Society, Narendra Nagar, Nagpur.

PETITIONER

.....VERSUS.....

1. The State of Maharashtra,
through its Secretary,
Higher and Technical Education Department,
Mantralaya, Mumbai-32.
2. The Joint Director of Higher and Technical
Education, Nagpur Division, Nagpur.
3. Rashtrasant Tukadoji Maharaj Nagpur University,
Through its Registrar, Ravindranath Tagore
Marg, Civil Lines, Nagpur.

RESPONDENTS

WITH
WRIT PETITION NO. 4212/2019

Dr.Sandhya Vinay Amrite,
Aged about 65 years, Occu. Retired Senior
College Lecturer, R/o Laxmikeshav Apartments,
Laxmi Nagar, Nagpur – 440022.

PETITIONER

.....VERSUS.....

1. The State of Maharashtra,
through its Secretary,
Higher and Technical Education Department,
Mantralaya, Mumbai-32.
2. The Joint Director of Higher Education,
Nagpur Division, Nagpur.

RESPONDENTS

WITH
WRIT PETITION NO. 5211/2019

Kamalkishor Chaganlal Agrawal,
Aged about 57 Years, Occupation: Service,
R/o L.B. Colony, Risod Road, Washim-444505.

PETITIONER

.....VERSUS.....

1. The State of Maharashtra,
through its Secretary,
Higher and Technical Education Department,
Mantralaya, Mumbai-32.
2. The Joint Director of Higher Education,
Amravati Division, Amravati.

RESPONDENTS

WITH
WRIT PETITION NO. 8491/2018

1. Dr.Kalpana Pravin Pande,
Aged about 55 years, Occupation-Lecturer,
R/o Hanuman Nagar, Nagpur.
2. Dr.Girish R.Mehta,
aged about 56 years, Occupation-Lecturer,
R/o Flat-504, Ramkrishna Apartment,
Near Chhapru Square, Lakkadganj, Nagpur.
3. Dr.Manish B. Vyas,
aged about 40 years, Occupation-Lecturer,
R/o 139, East Wardhaman Nagar, Nagpur.
4. Dr.Prakash D. Durugkar,
aged about 56 years, Occupation-Lecturer,
R/o F-102, Majestic Heights, NIT Complex,
Shivaji Nagar, Nagpur.
5. Dr.Rina Saha,
aged about 55 years, Occupation-Lecturer,
R/o 9, Arvind Nagar Society, Narendra Nagar, Nagpur.
6. Dr.Madhuri Lele,
aged about 55 years, Occupation-Lecturer,
R/o 83, Sai Chaitanya, Gurudev Nagar,
Nandanwan, Nagpur.
7. Dr.Rameshwar B. Pathekar,
aged about 54 years, Occupation-Lecturer,
R/o 95, Adarsh Pragati Colony,
Umred Road, Dighori, Nagpur.
8. Dr.Sanjay P. Dhok,
aged about 50 years, Occupation-Lecturer,
R/o 114, Shilpa Society, Narendra Nagar, Nagpur.
9. Dr.Manjushree Sardeshpande,
aged about 56 years, Occupation-Lecturer,
R/o 231B, Gokulpeth, Nagpur.
10. Dr.K.J. Cherian,
aged about 61 years, Occupation-Lecturer,
R/o 91, Prashant nagar, Police Line, Takli,
Katol Road, Nagpur.
11. Dr.Mukesh H. Kaushik,
aged about 54 years, Occupation-Lecturer,
R/o 377, Nandanwan Layout, Nagpur-24.

PETITIONERS

.....VERSUS.....

1. The State of Maharashtra,
through its Secretary,
Higher and Technical Education Department,
Mantralaya, Mumbai-32.
2. The Joint Director of Higher Education,
Nagpur Division, Nagpur.

RESPONDENTS

Shri Anand Parchure, counsel for the petitioners.
Mrs. Kalyani R. Deshpande, Assistant Government Pleader for the respondents.

CORAM : A. S. CHANDURKAR AND SMT.PUSHPA V. GANEDIWALA, JJ.

DATE : 06TH JANUARY, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioners who are the Lecturers in senior colleges seek advance increments in terms of the Government Resolution dated 11.12.1999 and fixation of regular pay/salary accordingly.

3. It is the case of petitioners that those Lecturers who have completed their Ph.D. are entitled to four advance increments while those who have completed their M.Phil are entitled for two advance increments in view of Government Resolution dated 11.12.1999. It is submitted by the learned counsel for the petitioners that this issue has been considered by this Court in **Writ Petition No.3300 of 2010** [*Dr.Dashrath Baliram*

Jadhao Versus State of Maharashtra] decided on 15.03.2016 and it has been held that such petitioners who are appointed prior to 01.01.2016 are entitled to advance increments in terms of the Government Resolution dated 11.12.1999.

4. The learned Assistant Government Pleader for the respondents has invited attention to the communication dated 05.11.2019 issued by the respondent no.1 in which this position has been reiterated subject to reference to the Government Resolution dated 08.03.2019 which disentitles Lecturers appointed after 01.01.2016 to such advance increments.

5. On perusing the aforesaid judgment, we are satisfied that the case of the petitioners is governed by the directions issued therein. Accordingly, for reasons recorded in the judgment dated 15.03.2018 in Writ Petition No.3300 of 2010 it is held that the petitioners are entitled to advance increments in terms of the Government Resolution dated 11.12.1999 based on their academic qualification. The respondents shall release the necessary benefits in favour of the petitioners within a period of six months from today. In case of the petitioners who have retired, the last pay shall be revised accordingly and they would be entitled to revised pension alongwith arrears.

6. The writ petitions are allowed in aforesaid terms and disposed of. Rule accordingly. No costs.

(SMT.PUSHPA V. GANEDIWALA, J.)

(A.S. CHANDURKAR, J.)

APTE