

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO.667 OF 2022

SUHAS SURYAKANT SATONKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.A.V.Indrale Patil, Advocate for the Applicants.
Mr.P.S.Patil, AGP for Respondent Nos. 1 to 3.
Mr.S.V.Munde, Advocate for Respondent No.5.
Mr.V.P.Latange, Advocate for Respondent No.4.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : MARCH 17, 2023

PER COURT :

1. Leave to add prayer clause B-1. Addition be carried out forthwith.

2. The Petitioners have put forth prayer clause B and C as under :-

"B. By issuing a writ of certiorari or any other appropriate writ, order or directions, the impugned action of the respondents particularly action of by the Joint Director of Higher Education, Nanded Division, Nanded by communication dated 14.02.2013 thereby reducing the salary and

pay scale of petitioner be quashed and set aside in view of the fact that, the case of petitioners is covered by the judgments and order passed by this Hon'ble Court in Writ Petition No.1309/2014 and 4946/2019 dated 09.12.2014 and 19.11.2019 and for that purpose necessary directions be issued.

C. By issuing appropriate writ, order or directions, it be held and declared that, the 100% grant in aid provided to the Computer Science subject of Science faculty of respondent No.5 college from the academic year 23003-2003 has not been disturbed or cancelled by the Government Resolution dated 04.04.2012. Accordingly, it shall not be deemed that, Computer Science subject of Science faculty in respondent No.5 College is entitled for 100% grand in aid from 01.04.2012 only. Consequently, the petitioners be paid their arrears of salary, regular salary and other consequential benefits along with interest by considering the 100% grand in aid of the Computer Science subject of Science faculty of respondent No.5 College since from the year 2002-2003 and for that purpose necessary directions be issued."

3. The learned Advocates for the respective sides submit that this Court has passed orders in similar matters and the same order can be passed in this matter as well. The order dated 11.01.2021, passed in WP Stamp No.18650/2020 (Shyam Gore and another Vs. State of Maharashtra and another and connected group of cases), is also cited. It is undisputed that the Petitioners were appointed in the Computer

Science Subject. A similar issue was dealt with by this Court vide the order dated 19.11.2019 in WP No.3946/2019.

4. The grievance of the Petitioners is that the Joint Director of Higher Education has reduced the salaries of these Petitioners to 50% in the light of a Govt. Resolution dated 04.04.2012, which is a misinterpretation. They were not heard before passing the said order.

5. In view of the above and considering the orders passed by this Court on 09.11.2019 and 11.01.2021 (supra), these petitions are partly allowed. The impugned order vide paragraph No. B-1 dated 14.02.2013, stands quashed and set aside. Respondent No.3 would reconsider the cases of these Petitioners. They shall appear before him on 05.04.2023 at 12.00 Noon in his Office at Nanded. After extending a reasonable opportunity of hearing to the Petitioners, Respondent No.3 shall pass an appropriate order with reasons, taking into consideration all the contentions of the litigating parties/stake holders. Let such order be passed on or before 31.05.2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)