

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7792 OF 2016

Vijay S/o. Ratanlal Nagori and others .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S.S. Thombre, Advocate for the Petitioner.

Shri Pravin S. Patil, A.G.P. for the Respondent Nos. 1 to 3

Shri Sanjeev B. Deshpande, Advocate for respondent No.9.

CORAM : NITIN JAMDAR, ACTING CJ &
S. G. CHAPALGAONKAR, J.

DATE : 24 JULY 2023.

PER COURT :-

Heard the learned counsel for the parties.

2. The petitioners, who are working as Professor with the respondent Nos. 2 to 8 colleges are before us, making a grievance that they have been denied the benefit of promotion from 1st January, 2009 and consequential benefits. The petitioners are also seeking directions to the respondents to re-fix the pay scale and pay arrears to them.

3. The petitioners were initially appointed as a Lecturers. Thereafter, they were promoted as Associate Professor and thereafter as Professor. According to the petitioners, they are entitled to the benefits as sought for under the guidelines framed by the University Grants Commission (UGC) which were accepted by the State Government and once these guidelines have been accepted, they are binding on the State Government.

4. Reply is filed on behalf of the State relying on the Government Resolution dated 12 August 2009, wherein, according to the State, provision has been made in respect of the promotion of post of Professor and certain conditions have been laid down. It is stated that as per the Government Resolution and the subsequent resolutions issued thereafter, dated 30 July 2010 and 26 October 2010, a procedure has been laid down governing the reliefs sought for by the petitioners and as per these Government Resolutions, which are not challenged by the petitioners, they are not entitled to the reliefs.

5. The learned counsel for the petitioners, however, has drawn our attention to the reply filed by the UGC thereafter on 14.2.2019. According to the petitioners, the stand taken by the UGC supports the petitioners' case.

6. We find that before the petitioners had approached this court, there was neither a demand for relief nor any rejection thereof by the State Government. Therefore, there is no decision taken by the State Government in respect of the petitioners' claim. Furthermore, the UGC has now filed reply affidavit which, according to the petitioners, supports the petitioners' case. The State Government will have to reconcile its stand with the stand of the UGC.

7. According to us, the appropriate course of action would be, to direct the respondent No.3 Joint Director to reconcile the stand of the State Government alongwith reply filed by the UGC; consider the claim of the petitioners as per the prevalent regulations and take a decision with reasons, as to whether the petitioners are entitled to the reliefs sought for, in this petition or not. Order accordingly. The decision be taken within a period of 8 weeks subject to earlier time-bound commitment, and communicate it to the petitioners thereafter.

8. Writ petition is accordingly disposed of.

(S. G. CHAPALGAONKAR, J.) (ACTING CHIEF JUSTICE)