

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

Writ Petition No.5724 of 2019

Dr. Wachandas Parmanand Badole

Versus

The State of Maharashtra and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri B.G. Kulkarni, Counsel for Petitioner.

Ms N.P. Mehta, Assistant Government Pleader for Respondent No.1.

Shri A.R. Patil, Counsel for Respondent No.4.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : MARCH 24, 2023.

P.C. :

1. In view of the notice for final disposal issued earlier, **Rule**. Rule made returnable forthwith and heard the learned counsel appearing for the parties.
2. The petitioner came to be appointed as Assistant Professor in the Department of Soil Science and Agricultural Chemistry in 1996. He was then promoted to the post of Associate Professor on 18-7-2006, after which his promotion was regularized in the physically handicapped category by nomination on 13-3-2007. The petitioner seeks benefit under the Career Advancement Scheme and in that regard, on 19-4-2019, the respondent No.2-Board did not find the petitioner eligible for being considered for promotion. It is stated that the petitioner obtained his Ph.D. in the subject of Agricultural Development, which was not listed under Statute 5. In other words, it was not treated as Ph.D. in the concerned subject. Being aggrieved, the petitioner has filed this Writ Petition.
3. On hearing the learned counsel for the parties, it is seen that after the impugned order was passed, the respondent No.1-Department has issued the Government Resolution dated 19-9-2022 in the matter of extending the benefit

of Career Advancement Scheme to teachers, such as the petitioner. As per Clause IV of the said Government Resolution, Ph.D. degree in allied/relevant discipline is also treated as eligible for being considered for grant of such benefit. It is urged by the petitioner that the subject 'Agricultural Development' can be treated as allied/relevant subject for this purpose.

4. The respondent Nos.2 and 3, though served, have not appeared to contest the prayers made in this Writ Petition. In the light of the Government Resolution dated 19-9-2022, the following order would serve the interest of justice.

(i) The respondent No.2 shall reconsider the petitioner's claim for benefit of the Career Advancement Scheme in the light of the Government Resolution dated 19-9-2022 and especially Clause IV thereof. Based on such consideration by the respondent No.2, necessary consequential steps be taken if the petitioner is found eligible.

(ii) The entire exercise be completed within a period of three months from the copy of this order being received by the respondent No.2.

5. With the aforesaid directions, Rule is disposed of. No costs.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR