

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4435 OF 2022

Sharadkumar Vithalrao Jagtap

VERSUS

The State Of Maharashtra And Others

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Advocate for the Petitioner : Ms. Deshpande Priyanka R.

AGP for Respondent/State : Mr. P.S. Patil

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CORAM : S.G. MEHARE AND
SHAILESH P. BRAHME, JJ.

DATED : DECEMBER 10, 2024

PER COURT:-

1. Heard learned counsel for the petitioner and learned AGP for the Respondent/State.
2. The petitioner has received a show cause notice from respondent no.5 in pursuance of the reminder of respondent no.3. On complaint, respondent no.3 asked the respondent no.5 to submit the papers for pension by determining the scale. Respondent no.3 find that the petitioner has completed his refresher course before he joined the services while serving with another institution. Therefore, the petitioner is not entitled to the benefits of CAS. The petitioner has responded to the letter of respondent no.5. However, respondent no.5 did not take any action.
3. Learned counsel for the petitioner would submit that there is no mandatory provision that the refresher course should be

completed only during the services rendered with respondent no.5. The petitioner has already completed the same refresher course when he was in service with another institution. She would also argue that the related rules are misinterpreted. There was no mandate that such refresher course should be completed only during the services with respondent no.5. She has referred to the UGC notification on revision of pay scales particularly Clause 7.2.0 sub-clause (ii). In addition thereto, she would submit that the petitioner has completed the refresher course and he is not entitled for CAS. Respondent no.3 has misinterpreted the UGC notification only on complaint. Therefore, the opinion expressed by respondent no.3 that since the petitioner did not complete his refresher course during the services rendered with respondent no.5 is incorrect.

4. Respondent nos.1, 2 and 3 have filed affidavit in reply. They have supported the impugned letters.

5. Learned AGP would submit that it was a condition precedent to complete the refresher course during the services rendered with respondent no.5. However, they did not deny that the petitioner has completed the refresher course when he was in employment with another institution. He would submit that it is now upto the college to take appropriate decision and refer the papers to respondent no.3 for further process of pension.

6. Perused the papers and UGC notification. Clause 7.2.0 sub-clause (ii) is reproduced for the ready reference :

“7.2.0

(i)

(ii) *Participated in one orientation course and one refresher course of approved duration, or engaged in other appropriate continuing education programmes of comparable quality as may be specified or approved by the University Grants Commission. (those with Ph.D. degree would be exempted from one refresher course).”*

7. The words of the above clause are unambiguous. No other interpretation could be drawn that such a refresher course should be completed by the lecturer during the course of services rendered with a particular institution. The condition was that the lecturer should have to complete the orientation course and one refresher course of approved duration.

8. After having gone through the papers placed on record, we are satisfied that the petitioner has completed with the required to complete the orientation course and refresher course. Therefore, the view expressed by respondent no.3 that such a refresher course should be completed during the services rendered with respondent no.5 is prima facie incorrect and on that basis, the petitioner cannot

be held not entitled to CAS. In view thereof, we pass the following order :

ORDER

- (i) Writ Petition is partly allowed.
- (ii) We direct respondent no.5 to submit the pension papers by fixing the scale of the petitioner within two weeks from today and immediately forward the same to respondent no.3.
- (iii) Respondent no.3 should not reject the claim of the petitioner for pension on the ground that he did not complete the refresher course before the services rendered by him with respondent no.5.
- (iv) After submitting the proposal by respondent no.5, respondent no.3 shall take the decision within two weeks.

(SHAILESH P. BRAHME, J.)

(S.G. MEHARE, J.)