



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 14252 OF 2019

**ANIL SHRIPATRAO BHUTKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioner : Mr. Deshpande Abhishek C.

A GP for Respondents/State : Mr. S.P. Joshi

Advocate for Respondent No.4 : Mr. Agrawal Sumit S.

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

DATE : 18th NOVEMBER 2024

PER COURT :

. Heard the learned Counsel for the petitioner, learned AGP for respondent nos. 1 to 3 and Mr. Agrawal appears for respondent no.4.

2. None appears for respondent no.5.

3. The petitioner is claiming the promotional benefits from the date of his eligibility i.e. 27.07.2009 and further claiming re-fixation of the Scale as a consequential relief.

4. The petitioner is working with the respondent no.5/College which is affiliated to respondent no.4/University. Initially he was appointed as a Lecturer and thereafter promoted as a Reader. The promotion was approved by the respondent no.4/University.

Thereafter on 27.07.2006, he was promoted as Associate Professor which was also approved by the respondent no.4/University. After completion of three years from 27.07.2006, he became eligible for further promotion to the post of Professor. But he was promoted on 24.10.2016.

5. It is the case of the petitioner that after following due procedure of law and after recommendation of duly constituted selection Committee, he was promoted to the post of Professor on 24.10.2016. His promotion was approved by the respondent no.4/University vide order dated 29.11.2016 with effect from 27.08.2012.

6. Learned Counsel for the petitioner submits that he is entitled to receive promotional benefits from the date of eligibility i.e. 27.07.2009. He is entitled to the benefits on the basis of regulation issued by UGC on 30.06.2010. He is being denied the due benefits without any valid reasons. In the alternative he would submit that at least from the date of approval, the petitioner should have been conferred the promotional benefits. Learned Counsel for the petitioner relies on the judgments passed in the matter of Manohar V. Lokhande vs. Union of India and Others in Writ Petition No.579/2021 and Vijay s/o Ratanlal Nagori and Others Vs. State of Maharashtra and Others in Writ Petition No.7792/2016.

7. Learned AGP opposes the petition on the basis of affidavit-in-

reply. He would submit that in view of Government Circular dated 07.09.2011, incumbent is entitled to the benefits from the date he resumed the charge. Accordingly the petitioner is entitled to claim the benefits from 24.10.2016.

8. The petitioner was promoted to the post of Professor on 24.10.2016. He was granted approval with effect from 27.08.2012. It appears from record that the petitioner did not make any representation to the respondent/authority claiming the promotional benefits. Directly he has filed his petition for the promotional benefits. He is relying on the Government Resolution dated 30.06.2010 as well as judgment in the matter of Manohar Lokhande (supra). We find that there is no decision as such on the claim of the petitioner. Unless the respondent no.3/Joint Director of Education considers the claim and applies his mind, it would not be appropriate to consider the claim of the petitioner directly in the writ petition. In the facts and circumstances, we find it fit to permit the petitioner to make representation for claiming the benefits and call upon respondent no.3/Joint Director to make a decision on the representation.

9. The writ petition is allowed partly.

10. The petitioner shall make representation claiming his promotional benefits to the respondent no.3 within two weeks from today.

11. Respondent no.3 shall consider the proposal if received within two weeks on merits and decide it within four weeks thereafter.

12. Respondent no.3 shall take into account the relevant Government/UGC regulation as well as decision rendered in the matter of Manohar V. Lokhande (supra) and Vijay Ratanlal Nagori (supra).

13. With this, the writ petition stands disposed of.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

Najeeb..