

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 9798 OF 2024

Vijay Tadke

... Petitioner

V/s.

State of Maharashtra and Ors.

... Respondents

Ms. Devyani Kulkarni with Ms. Bindu P. Mishra for the Petitioner

Mr. M.M. Pabale, AGP for the Respondents 1 to 3

***CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.***

DATE : 18 JULY 2024

P.C. :-

The learned Counsel for the Petitioner has relied upon the order passed on 10 July 2024 in Writ Petition No. 8935 of 2017 and Ors., which reads thus :-

“ 1. Heard the learned Counsel for the parties.

2. The Petitioners in all the Writ Petitions are working as an Associate Professors with the respective Respondent-Education Institute. Their grievance is that their junior colleagues in the same establishment who had acquired PHD qualification later are getting increments which the Petitioners are not getting and this anomaly must be removed.

3. When the Petition came up on board on 30 April 2024 following order came to be passed :

“1. Heard learned Counsel for the parties.

2. The grievance of the Petitioners in all these Petitions is that though the Petitioners have acquired Ph.D. qualification earlier than some of their junior colleagues in the same establishment, who have acquired Ph.D. qualification later, the Petitioners are not getting additional increment, which will bring them at par with the junior colleagues.

3. The Petitioners have relied upon the decision of the Division Bench of this court at Aurangabad Bench in case of Sudamrao Keshawrao Aher & Ors. vs. State of Maharashtra & Ors. (Writ Petition No. 10283 of 2012 and connected Writ Petition, order dated 21 November 2013). Learned Counsel for the Petitioners states that the order was challenged by the State Government before the Hon'ble Supreme Court. The SLP was dismissed. Learned Counsel for the Petitioners has also placed on record the orders passed in Writ Petition (ST) No. 21783 of 2016 and connected Writ Petitions, Writ Petition No. 5027 of 2017 and connected Writ Petitions, Writ Petition No. 5271 of 2014 and Writ Petition No. 1037 of 2018 and connected Writ Petitions, where similar course of action is adopted.

4. Learned AGP states that cases will have to be examined and seeks time to file reply.

5. Considering the fact that the legal position has

been settled and reiterated in above mentioned Petitions, while we defer the hearing at the request of learned AGP, we direct the concerned Joint Director of Higher Education to examine the case of each of the Petitioners in light of law laid down in the aforesaid decisions and if the factual situation is identical to the above mentioned decisions, the Joint Director will proceed to extend necessary benefits to the Petitioners.

6. For that purpose, we grant eight weeks time to the Joint Director. It is open to the Joint Director, if so required, to call for information from the Management, who would co-operate with the Joint Director. If the Joint Director is of the opinion that the case of any of the Petitioners is different on facts then the affidavit-in-reply to be filed. If it is not different then without waiting for the orders of the Court benefits be extended.

7. Stand over to 10 July 2024."

4. The Learned AGP states that the Joint Director has examined the case of each of the Petitioners and has found that the grievance of the Petitioners is correct and they issued direction to remove anomaly and to start additional increments with necessary arrears. The Learned AGP states that an order is issued to the Respondent-Education Institutes on 1 July 2024 calling upon the Respondents-Education Institutes to submit necessary proposal. The Learned AGP points out that therefore, the grievance of the Petitioners stands redressed, which fact is accepted by the Learned Counsel for the Petitioners.

5. We dispose of all the above Petitions directing that pursuant to the directions issued on 1 July 2024, the

Respondents-Education Institutes will submit necessary proposal, if not already submitted, within a period of three weeks. Thereafter, necessary payments be made to the Petitioners within a period of four weeks thereafter.

6. The Writ Petitions are disposed of accordingly.

7. The Order dated 1 July 2024 is taken on record and marked "X" for identification."

2. The Petitioner will give notice to Respondent Nos. 4 and 5 and file affidavit of service. In the meanwhile, the learned AGP will take instructions from the Respondent Nos. 1 to 3 as to why the order as above should not be passed in respect of the Petitioner as well.

3. Stand over to **16 August 2024**.

M.M. SATHAYE, J.

NITIN JAMDAR, J.