



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

WRIT PETITION NO.1202 OF 2018

Dr. Anand s/o Tukaram Shewale ... **PETITIONER**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....
Mr. Suresh M. Kulkarni, Advocate for petitioner
Mr. A.R. Kale, A.G.P. for State
Mr. S.W. Munde, Advocate for R.No.3.

.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 28th JULY, 2025

ORDER :

The petitioner was promoted as Associate Professor way back in 2014. He was even granted academic Grade Pay of Rs.8000/- w.e.f. 5/4/2014 and Rs.9000/- w.e.f. 5/4/2017. The Screening Committee of the University had cleared the petitioner's pay-scale. The Joint Director, Higher Education, Nanded Division was one of the members of the said Screening Committee. He, however, relying on the

Government Resolution dated 5/3/2024, turned down the proposal on the ground that no retrospective effect could be given to the promotion granted to the petitioner.

2. In the recent past i.e. on 24/6/2024, the State of Maharashtra in Higher Education Department, issued amendment to the Government Resolution dated 5/3/2024, withdrawing Condition of not granting promotion with retrospective effect. For better appreciation, the phraseology in the Government Resolution is reproduced hereinbelow :

"समक्रमांकाच्या दिनांक ५ मार्च, २०२४ च्या शासन निर्णयामधील, कोष्टकातील अनुक्रमांक ३ येथील, **Amendment** या रकान्यातील **"Precautions should be taken to not to give promotions with retrospective effect any case,"** ही अट वगळण्यात येत आहे."

3. The learned A.G.P. comes around to contend that, in view of withdrawal of the said clause from the concerned Government Resolution, the way for the petitioner to get pay-scale with retrospective effect has been cleared. The petitioner has already been granted the said benefit. The question was of recovery of the amount received by the petitioner pursuant thereto. He concedes that, in view of the

amendment to the Government Resolution, no question thereof now remains.

4. In view of the above, we allow the Writ Petition, setting aside the order dated 1/7/2018 fixing the pay of the petitioner. We relegate the matter back to the respondent No.2- Joint Director to decide the petitioner's claim afresh in the light of the amendment to the Government Resolution, dated 24/6/2024.

5. Writ Petition stands disposed of.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

FMPathan/-