



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

WRIT PETITION NO. 2166 OF 2025

Bhimrao Jadhavrao Patil,
Age 59 Years, Occupation:Pensioner,
resident of Auditor's Housing society
Plot no. 44-B, Harsool "T" point,
Jalgaon road Chatrapati Sambhajinagar,
Aurangabad. M. No. 9764997036.

... **PETITIONER**

V/s.

- 1) The State of Maharashtra,
Through Secretary Nagar Vikas Department,
Mantralaya Mumbai-400 032.
- 2) The Commissioner,
Municipal Corporation,
Chatrapati Sambhajinagar. Aurangabad.
- 3) The Medical Health Officer,
Municipal Corporation,
Chatrapati Sambhajinagar, Aurangabad.

... **RESPONDENTS**

**AND
WRIT PETITION NO. 2169 OF 2025**

Vilas Punjaram Baghdane,
Age 59 Years, Occupation:Pensioner,
resident of H.No.C/2/40, Lane No.10,
Near Chatrapati Primary School,
Gajanannagar, Garkheda,
Chatrapati Sambhajinagar, Aurangabad.
M. No. 9527179225.

... **PETITIONER**

V/s.

- 1) The State of Maharashtra,

Through Secretary Nagar Vikas Department,
Mantralaya Mumbai-400 032.

- 2) The Commissioner,
Municipal Corporation,
Chatrapati Sambhajinagar. Aurangabad.
- 3) The Medical Health Officer,
Municipal Corporation,
Chatrapati Sambhajinagar, Aurangabad. ... **RESPONDENTS**

**AND
WRIT PETITION NO. 2175 OF 2025**

Jaiprakash Ramchandra Borade,
Age 65 Year, Occupation: Pensioner,
resident of Vinit Apartment,
Khivansara Park, Ulkanagri,
Chatrapati Sambhajinagar,
Aurangabad. M. No. 9372301194

... **PETITIONER**

V/s.

- 1) The State of Maharashtra,
Through Secretary Nagar Vikas Department,
Mantralaya Mumbai-400 032.
- 2) The Commissioner,
Municipal Corporation,
Chatrapati Sambhajinagar. Aurangabad.
- 3) The Medical Health Officer,
Municipal Corporation,
Chatrapati Sambhajinagar, Aurangabad. ... **RESPONDENTS**

**AND
WRIT PETITION NO. 2179 OF 2025**

Atul Madhukarrao Suradkar,
Age 58 Years, Occupation: Pensioner,
resident of Block no. 7, Municipal colony,
Opposite Collector's Bungalow,
Kile Ark, Chatrapati Sambhajnagar Aurangabad. ...

PETITIONER

V/s.

- 1) The State of Maharashtra,
Through Secretary Nagar Vikas Department,
Mantralaya Mumbai-400 032.
- 2) The Commissioner,
Municipal Corporation,
Chatrapati Sambhajnagar. Aurangabad.
- 3) The Medical Health Officer,
Municipal Corporation,
Chatrapati Sambhajnagar, Aurangabad. ...

RESPONDENTS

**AND
WRIT PETITION NO. 1871 OF 2025**

Milind Shankbarao Suranglikar,
Age 61 Years, Occupation: Pensioner,
resident of Row house no. 2, Sarwarth,
Saphalya nagar, Masoba Nagar,
Harsool Tea Point Parisar, Aurangabad.
M. No. 9970516688. ...

PETITIONER

V/s.

- 1) The State of Maharashtra,
Through Secretary Nagar Vikas Department,
Mantralaya Mumbai-400 032.
- 2) The Commissioner,
Municipal Corporation,
Chatrapati Sambhajnagar. Aurangabad.

- 3) The Medical Health Officer,
Municipal Corporation,
Chatrapati Sambhajinagar, Aurangabad.

... **RESPONDENTS**

...

Mrs. Ansari Asfia Nuzhat, Advocate for the Petitioners
Mr. M.M. Nerlikar, Addl. GP for the Respondent/State
Mr. S.P. Urgunde, Advocate for the Respondent Nos.2 & 3

...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.**

DATE : 18th June, 2025

ORAL JUDGMENT (Per: Ravindra V. Ghuge, J.):-

1. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.
2. In all these matters, recoveries have been ordered against these Petitioners who are identically placed, after their superannuation, on the ground that they have not passed MS-CIT examination and they were granted increments by oversight in between 2009 and 2016. They have all superannuated and it was after more than one year after superannuation that the recoveries have been ordered.
3. In similar circumstances, this Court has delivered a judgment on 09.02.2024 in **Writ Petition No.6763/2023 (Khan Almas Zohara d/o Gulam Ahmed Khan V/s. The State of Maharashtra & Ors.)**. It was recorded in the said judgment that such incremental benefits were granted to the similarly

situated employees for having acquired MS-CIT qualification. It was also recorded in the said case that since the Petitioner had factually acquired the qualification and the recovery was initiated after superannuation, the law laid down in **Syed Abdul Qadir V/s. State of Bihar; 2009 (3) Supreme Court Cases 475** and **State of Punjab and others V/s. Rafiq Masih (White Washer) and others; 2014 (4) Supreme Court Cases 334**, would apply.

4. It was also recorded in the said judgment that the employer has not made any allegation that the Petitioner had played a fraud or had manipulated the records to get the increments.

5. Having considered the strenuous submissions of the learned advocate for the Corporation who has vehemently opposed these Petitions and has prayed for its dismissal by imposing costs of Rupees One Lakh in each matter, we find that none of these Petitioners have faced any allegation from the Corporation that they have manipulated the records or they were involved in the process of approving increments to themselves. It is also undisputed that they have passed the MS-CIT.

6. The issue of Hindi – Marathi language does not arise in these petitions.

7. In view of the above, **all these Petitions are allowed.** The impugned orders directing recovery stand quashed and set aside. If amounts have been recovered from these Petitioners, they shall be refunded along with interest @ 6% p.a. within a period of 90 days. Similarly, all consequential retirement benefits shall be paid to the Petitioners along with interest @ 6% per annum for the delayed payment, save and except the gratuity amount which shall carry the statutory interest component @ 10% p.a..

8. Rule is made absolute in above terms.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]