



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

WRIT PETITION NO. 4700 OF 2022

Prashant Shahjirao Kolhe and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri N. L. Jadhav, Advocate for the Petitioners.

Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 to 6.

Shri Mehul V. Navandar, Advocate for the Respondent No. 7.

AND

WRIT PETITION NO. 5125 OF 2022

Pravin Murlidhar More and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri N. L. Jadhav, Advocate h/f Shri Rakesh C. Brahmanekar,
Advocate for the Petitioners.

Shri A. S. Shinde, A.G.P. for the Respondent Nos. 1 to 5.

AND

WRIT PETITION NO. 10605 OF 2022

Raju Ghanshyam Bhise and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri N. L. Jadhav, Advocate for the Petitioners.

Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 to 9.

Shri S. S. Thombre, Advocate for the Respondent No. 11 - absent.

**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.
DATE : 03RD JANUARY, 2025.**

ORDER :

. Heard both sides finally at the admission stage with consent.

2. The petitioners are the employees of private management and rendering services in the affiliated colleges. They were working as Laboratory Assistants in the private colleges and they are deprived of pay scale as per the recommendations of the 5th, 6th and 7th Pay Commissions.

3. The learned counsel for the petitioners submits that the present petitions are squarely covered by the earlier judgment dated 04.07.2014 delivered in Writ Petition No. 243 of 2007 in the matter of Shirish Mukundrao Patil and others Vs. The State of Maharashtra and others, Review Application No. 119 of 2016 in Writ Petition No. 243 of 2007 in the matter of The State of Maharashtra and others Vs. Shirish Mukundrao Patil and others. Against the order passed in Review Application, special leave petition was preferred and by order dated 11.12.2017, Supreme Court dismissed the special leave petition.

4. The learned Additional/Assistant Government Pleaders in respective writ petitions have raised preliminary objection

regarding maintainability of the petitions.

5. We have gone through Section 79 of the Maharashtra Public Universities Act (hereinafter referred as to the 'Act' for the sake of brevity and convenience). As relief is sought against the officials of the State Government, alternate remedy U/Sec. 79 of the Act is not available. Present petitions are maintainable.

6. In view of various judgments and orders pronounced in the identical matters, the legal position is very clear. We propose to adopt the same reasoning and the course as of the coordinate bench. The petitioners who are laboratory assistants are entitled to the scale as per the recommendations of the 5th, 6th and 7th Pay Commissions.

7. The learned Addl./A. G. P. further submit that, the petitioners are entitled to monetary benefits for the period three years preceding to filing of the petitions. The learned counsel for the petitioners repels the submissions by drawing our attention to the Government Resolution dated 27.02.2006. He would submit that as per the said policy, petitioners are entitled to arrears of pay scale.

8. In view of legal position made clear by the Supreme Court in the matter of Union of India Vs. Tarse Singh reported in (2008) 8 SCC 648, claim of the petitioners is monetary and it has to be restricted for a period of three years preceding to filing of the

petitions. The petitioners shall be entitled to the arrears of salary for three (03) years preceding the date of filing of the petitions. We, therefore, pass following order.

O R D E R

- I) The writ petitions are allowed.
- II) It is held that the petitioners are entitled to the pay scale of Rs. 4000 - 6000 as applicable to the Laboratory Assistants as per the Government Resolution dated 27.02.2006. They are also entitled to have the scale as per the recommendations of the 6th and 7th Pay Commissions.
- III) The petitioners shall be entitled to the arrears of salary for the period of three (03) years preceding the date of filing of the petitions.
- IV) They shall be given scale accordingly and arrears be calculated and be paid expeditiously.

[SHAILESH P. BRAHME J.]

[S. G. MEHARE, J.]

bsb/Jan. 25