



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7537 OF 2025

Ramesh S/o Jangannath Patil,
Age: 66 years, Occu: Pensioner,
R/o: Jalke, Ta and Dist. Jalgaon

..Petitioner

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Higher Technical Education Department,
Mantralaya, Mumbai -32.

2. The Director of Higher Education,
Maharashtra State, Pune

3. The Joint Director of Higher Education,
Jalgaon Division, Jalgaon

... Respondents

...

Mr. S. R. Barling, Advocate for the Petitioner,
Mr. S. P. Sonpawale, AGP for the Respondents State

.....

CORAM : MANISH PITALE &
Y. G. KHOBRADE, JJ.

DATE : 30th June, 2025

P. C. :

. **Rule.** Rule made returnable forthwith. By consent of the parties the petition is heard finally at the stage of admission.

2. The petitioner has approached this Court seeking specific directions against the respondents for release of pay scale of Rs.4000-6000/- as per Government Resolution dated 27.02.2006.

3. It is brought to the notice of this Court that the Principal of the College, in which the petitioner was appointed as Laboratory Assistant, issued an order as far back as on 10.05.2016 recommending grant of such pay scale, but no action in that regard is taken by the respondents.

4. It is to be noted that there was a controversy raised in similar cases as regards applicability of the said Government Resolution to Laboratory Assistants working in colleges affiliated to the University.

5. By a judgment and order dated 04.07.2014 (Writ Petition No. 243/2007), Division Bench of this Court granted reliefs to identically situated employees. The review application filed on behalf of the respondent State was dismissed as far back as on 19.07.2017. Special Leave Petition filed against the same was also dismissed by the Supreme Court. Subsequently, similar orders were passed by the various Division Benches of this Court, at this Bench and also the Principal Seat, which were confirmed by the Supreme Court.

6. Not only this, recently in Writ Petition No. 1561 of 2024, wherein 19 identically situated petitioners approached the Principal Seat of this Court, by judgment and order dated 05.02.2025, relief was granted and further direction was issued that interest would be paid at

the rate of 6% per annum from the date of filing of the petition on the amount of arrears.

7. A stern warning was issued in para no. 11 of the said judgment and order wherein, it was observed that if in future similar matters come up before the Court praying for similar relief, the interest component would be increased and it would be made applicable from the date of the said Government Resolution i.e. 27.02.2006.

8. In view of the above, we are more than convinced that the case of the petitioner is completely covered by the aforementioned judgment and orders passed by various benches of this Court and which stood confirmed upto the Supreme Court. In such a situation, the observations made in the aforesaid recent judgment and order passed at the Principal Seat of this Court on 05.02.2025 in Writ Petition No. 1561 of 2024 are relevant and they read as follows:

"6. The Petitioners are entitled for the benefits of the Government Resolution dated 27th February, 2006 in view of the Judgment dated 4th July, 2014 delivered in Writ Petition No.243 of 2007, at Aurangabad Bench and the order dated 19th April, 2017 vide which, the Review Petition No.119 of 2016 was rejected.

7. The learned Advocate for the Petitioners submits that for the last 11 years, this Court has been repeatedly passing such orders. Despite series of such orders and the Hon'ble Supreme Court having repeatedly dismissed the

SLPs, the Government is still not following the Government Resolution and compelling the litigants to approach this Court and indulge in litigation, perforce. He submits that even earlier, the Court had granted interest. The learned AGP submits that interest may not be granted.

8. We are of the view that the concerned Department of the State Government should have actually issued a circular bringing to the notice of all concerned, the fact of this Court having delivered orders in the last 11 years and the SLPs filed by the State of Maharashtra having been repeatedly rejected. The circular should have had the semblance of a direction for specific implementation of the Government Resolution dated 27th February, 2006.

9. Even after 11 years of the orders passed by this Court, the Petitioners are compelled to approach this Court by filing Petitions, which is purely a compulsion. Such unnecessary litigation could have been avoided. It is in these circumstances that we are granting interest on the arrears to be paid to the Petitioners at the rate of 6% p.a. from the date of the filing of the Petitions.

10. This Writ Petition is allowed, in terms of prayer clauses (A) and (B). The arrears shall be calculated along with the interest component and the same shall be paid to these Petitioners within 60 days from today.

11. We also observe that if in future similar matters come up before this Court praying for a similar relief, the interest component would be increased and it would be made applicable from the date of the Government Resolution dated, 27th February, 2006."

9. In this situation, we are of the opinion that the petitioner has made out a case for allowing the writ petition on similar lines.

Accordingly, **writ petition is allowed** in terms of prayer clause (B), which reads as follows:

(B) By a writ of mandamus or any other appropriate writ or order or directions in the like nature, the respondents may kindly be directed to pay the arrears of difference and wages as per the pay scale of Rs.4000-6000/- and grade pay of Rs.4200/- along with interest @ Rs.6% p.a. to the petitioner within a period of six weeks.

10. Rule is made absolute in the above terms.

11. It is made clear that the component of interest would be paid from the date of filing of the petition i.e. 09.06.2025. It is further made clear that if the petitioner has already received any amount towards such pay scale, the same would be taken into account.

12. Pending application, if any, also stands disposed of.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan