



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO. 7214 OF 2019

Sidram Manikappa Dongarge

VERSUS

The State Of Maharashtra And Others

...

Mr. Suresh M. Kulkarni, Advocate for the Petitioner

Mr. S. D. Ghayal, AGP for Respondents State

Mr. Suresh W. Munde, Advocate for Respondent No.3

Mr. Uday S. Malte, Advocate for Respondent No.4

.....

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

DATE : **5th August, 2025**

P. C. :

1. Learned counsel for the petitioner submits that the present petition can be disposed of in the light of subsequent events, which include issuance of Government Resolution dated 24.06.2024, which amended earlier Government Resolution dated 05.03.2024, as also, the order dated 28.07.2025, passed by the Division bench of this Court in Writ Petition No. 1202 of 2018, concerning a petitioner identically situated like the petitioner herein. In fact, it is pointed out that the impugned order in the present petition was common to the petitioner herein as well as the petitioner in Writ Petition No. 1202 of 2018.

2. In this backdrop, we have perused the order dated 28.07.2025 passed by the Division Bench of this Court in Writ Petition No. 1202 of 2018 (Dr. Anand Tukaram Shewale Vs. The State of Maharashtra and

others). On an identical grievance raised by the petitioner therein, the Division Bench held as follows:

"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-The scale with retrospective effect has been cleared. 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."

3. It is not disputed by learned AGP that the petitioner herein is indeed situated like the petitioner in Writ Petition No 1202 of 2018.

Hence, for the reasons recorded in the order dated 28.07.2025, passed in Writ Petition No.1202 of 2018, we allow the present petition and set aside the impugned order dated 21.06.2017. We remand the matter back to Respondent No.2- Joint Director of Higher Education, Nanded Region, to decide the claim of the petitioner afresh, in the light of Government Resolution dated 24.06.2024.

4. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)

JPChavan