



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

942 WRIT PETITION NO. 13454 OF 2025

Nitin Manikrao Gaikwad

VERSUS

The State Of Maharashtra Through It's Principal Secretary And
Others

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Advocate for the Petitioner : Mr. P. S. Magar

AGP for Respondents: Mr. R.B. Dhaware

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

Dated : November 12, 2025

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FINAL ORDER :- (Per Hiten S. Venegavkar, J.)

1. The petitioner has approached this Court under Articles 226 and 227 of the Constitution of India, asserting that although he has been duly appointed to the post of 'Personal Assistant' to the Vice-Chancellor of Dr. Babasaheb Ambedkar Marathwada University, Aurangabad, he has not been given posting or duties commensurate with that position. He seeks directions to respondents nos.2 and 3 to assign him the charge of Personal Assistant to the Vice-Chancellor and to grant him the pay scale and grade pay applicable to that post from 1st April 2020 onwards. He also challenges the order dated 9 September, 2025 by which he was transferred from the

Syllabus Unit of the Academic Section back to the Examination and Evaluation Section, in which he claims to have already worked for nearly seven years. According to him, this transfer and the nature of work presently allotted to him amounts to a form of demotion.

2. The petitioner narrates a long service history. He was initially appointed as a typist on compassionate grounds on 6th January 1993. Upon completion of probation, he was absorbed permanently. He was then selected as a Steno-typist on 3rd April 2000, promoted as Stenographer (Junior Grade) in 2008, and ultimately elevated to the substantive post of Personal Assistant in 2013. He relies upon various Government Resolutions issued by the State of Maharashtra, which, according to him, define the structure of stenographic posts and the number of 'Personal Assistant' posts sanctioned in the University. He emphasizes particularly the GR dated 7th October, 2009 which contains a schedule specifying the post of Personal Assistant to the Vice-Chancellor with the revised pay scale of ₹ 9,300–34, 800 and grade pay of ₹ 5,400 for Aurangabad and Lonere campuses. The petitioner contends that based on these statutory documents and his seniority, he is

entitled not only to the pay scale but also to actual posting as Personal Assistant to the Vice-Chancellor.

3. The petitioner further relies upon a communication dated 7th September, 2018 issued by respondent no.3 to the Under Secretary of the Higher and Technical Education Department, in which his name appears at serial no. 2 as 'Personal Assistant' for sanction of pay scale from 22nd March, 2013. He also relies on the fact that one Mrs. Najma Sheikh had worked as 'Personal Assistant' to the Vice-Chancellor until her retirement on 31st March, 2020, after which, according to him, he, being the senior-most, ought to have been posted in that vacancy. He states that he made repeated representations from February 2020 onwards requesting that he be considered for the post of 'Personal Assistant' to the Vice-Chancellor in accordance with his seniority and service record.

4. It is the petitioner's case that, although, the University issued an order on 12th December, 2024 promoting and appointing him to the substantive vacant post of 'Personal Assistant' to the Vice-Chancellor in the prescribed pay-band, the said order was meaningless because he was posted in the

Examination and Evaluation Section instead of the Office of the Vice-Chancellor. According to him, the post of Personal Assistant to the Vice-Chancellor is sanctioned only in four departments : the Office of the Vice-Chancellor, the Office of the Pro-Vice-Chancellor, the Registrar's Office, and the Directorate of Examination and Evaluation. He maintains that assigning him work in any other section - such as the Academic Section or Syllabus Unit amounts to effectively depriving him of the actual duties of the post and reducing him to positions he had already served in earlier.

5. The petitioner further claims that he accepted the posting orders only under compulsion and in the hope that his grievances would be addressed. He contends that, each time he made a representation seeking work befitting the post of Personal Assistant to the Vice-Chancellor, the University ignored it. Instead, he was subjected to transfers from one section to another, culminating in the impugned order dated 9th September 2025 transferring him back to the Examination and Evaluation Section, where he had already worked for almost seven years. The petitioner asserts that this constitutes harassment and a disguised form of demotion.

6. The learned advocate for the petitioner submitted that respondents are acting contrary to their own records and contrary to the statutory rules governing the post. He argued that the petitioner, having been appointed to the post of Personal Assistant to the Vice-Chancellor, is legally entitled to the appropriate pay scale and pay grade, and that the persistent failure of the University to post him in any of the four departments where that post exists is unlawful. He submitted that internal work allocation is being misused to undermine the petitioner's status, despite his seniority and long service. He therefore prayed that this Court direct the respondents to post the petitioner in one of the departments where the sanctioned post of Personal Assistant to the Vice-Chancellor exists and grant him the consequential monetary benefits.

7. Having considered the submissions advanced and perused the material placed on record, it is evident that the petitioner has indeed been appointed to the post of Personal Assistant to the Vice-Chancellor under the order dated 12 December 2024. It is also a matter of record that he accepted this appointment and reported for duty in the Examination and Evaluation Section. The letters written by the petitioner

himself show that he acknowledged and joined each subsequent place of posting pursuant to the transfer orders. Thus, there is no dispute that the petitioner holds the post he claims.

8. The real grievance of the petitioner is not about his appointment, but about the nature of duties assigned to him and the department in which he is posted. His contention is essentially that unless he is physically placed in one of the four departments where the post of Personal Assistant to the Vice-Chancellor is sanctioned, he cannot be said to be working on that post. The Court is unable to accept this argument. Posting, transfer and internal distribution of work within an institution are matters that fall squarely within the administrative domain of the employer. So, as long as the petitioner continues to hold the post and enjoy the pay scale and service benefits attached to it, the question of which department he is to be stationed in or what specific duties are to be allotted to him is not something that can be adjudicated under writ jurisdiction, barring exceptional mala fides or violation of statutory rules, none of which are made out here. The University has the prerogative to deploy its personnel based on administrative convenience. The documents relied

upon by the petitioner do show that representations were filed raising grievances about work allocation, but these matters are best addressed before the competent authority or the University's own grievance redressal mechanisms. In fact, in an earlier writ petition filed by the same petitioner, this Court had directed him to avail such internal remedies. Instead of pursuing that course, he has once again approached this Court on substantially the same grounds.

9. This Court cannot assume the role of supervising day-to-day internal management of the University or determine the suitability of particular postings within departments. The petitioner's appointment to the post he claims has already been granted; his dissatisfaction with the nature of duties assigned or the section where he is posted does not constitute a legally enforceable right under Article 226 of the Constitution. Such issues fall within the realm of service administration and parties must resolve the same at the departmental level.

10. In view of these circumstances, no case for interference is made out. The writ petition stands **dismissed**.

(HITEN S. VENEGAVKAR, J.) (SMT. VIBHA KANKANWADI, J.)