

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3255 OF 2019

Shri Chandrakant Krishna Dongale.

Age : 65 yrs. Occ. Retired,

At/Post Sarud, Tal. Shahuwadi,

Dist. Kolhapur.

... Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary Higher
and Technical Education Department,
Mantralaya, Mumbai- 400 032.
2. The Director of Education,
Shikshan Sanchanalaya
(Higher Education)
State of Maharashtra,
Central Building, Pune 411 001.
3. The Joint Director of Higher
Education, Kolhapur Region,
Rajaram College campus,
Vidhynagar, Kolhapur.
4. The Shivaji University,
Through its Registrar,
Having its office at:
University Premises, Kolhapur.
5. Param Puja Swami Vivekanand
Sevashram Sanstha, Through
their head office at, At & P &
Tal Shirala, Dist: Sangli.
6. The Principal,
Vishwasrao Naik, Arts, Commerce
& Baba Naik Science College,

Shirala, Dist. Sangli.

7. The Principal Accountant General,
Indian Audit & Accountant,
Department office of the Principal
Accountant General, Maharshi
Karve Road, Mumbai-32. ... Respondents.

Mr. Mihir Desai, Senior Advocate i/b. Mr. Sukumar R. Ghanavat, for the
Petitioner.

Mr. P.P. Kakade, Addl. G.P. a/w. Mr. V.G. Badgujar, AGP for
Respondent Nos. 1 to 3/State.

Mr. Vikram N. Walawalkar for Respondent No. 4 Shivaji University.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 9th APRIL, 2025

JUDGMENT :(Per Ravindra V. Ghuge, J)

1. Rule. Rule made returnable forthwith and heard finally by
the consent of the parties.

2. This matter is listed in the special pension cases board.

3. The Petitioner was appointed as a part time teacher in
History on 27.7.1987, by an earlier Education Trust namely, Kanasa
Khora Shikshan Prasarak Mandal, Sarud. In March, 1996, he was again
appointed on part time basis for one year.

4. In 2004, Respondent No. 5 Management is said to have purportedly appointed the Petitioner as a full time teacher in History, vide Order dated 14.6.2004. However, a perusal of the appointment order indicates that he was purely on a temporary appointment up to one year. By an order dated 30.8.2005, he was again appointed on purely temporary basis up to one year. His stipend was at the rate of Rs. 8,000/- per subject. One more appointment order dated 14.6.2007, was issued and the Petitioner was engaged for one year. One more order dated 15.6.2008, was issued again appointing the Petitioner for one year on purely temporary basis. He was again issued with an order of appointment dated 30.6.2009, on Clock Hour Basis (CHB) with Rs. 330/- for one clock hour.

5. The Petitioner relies upon a chart issued by the University (undated) in which the Petitioner's name is at Serial No. 3. In the said chart below column 9, he is shown to be a full time/part time/CHB/Honorary employee. The remarks column (13) indicates that he was appointed for the year 2004–2005, upon being selected by the Local Selection Committee subject to Government letters dated 13.6.2000 and 17.6.2000.

6. The learned AGP relies upon the first affidavit in reply dated 18.11.2019, filed by Dr. Ajay Bhagwan Sali, Joint Director of Higher Education, Kolhapur Region, Kolhapur, wherein, it is averred that the Petitioner was earlier appointed in a different educational trust. He was selected through a local selection committee and there was no Approval granted by the Education Department. The Petitioner did not possess the requisite qualifications of passing NET/SET as was amended by the UGC. The Respondent No. 5 Management did not forward any document to his office. It is further stated that only when the appointment is made pursuant to the selection by the University Selection Committee, that the proposal can be accepted.

7. He further refers to the affidavit in reply and has canvassed that the Hon'ble Supreme Court has deprecated back door entries. Rule 58 of the Maharashtra Civil Services (Pension) Rules, 1982 empowers the State Government to declare that a specific service as qualifying service for pension. It is further averred that the Petitioner has approached this Court after 20 years and considering the view taken by the Hon'ble Supreme Court in *State of Maharashtra v/s. Digambar, 1995 Law Suits Supreme Court(SC) 648*, that his claim cannot be entertained.

It is reiterated that the Petitioner was appointed temporarily through the Local Selection Committee.

8. In the light of the above, we do not find that this Petition praying for back wages and arrears from 2004 to 2015 at the rate at 15% interest, would be entertained.

9. *Sans merit*, **this Petition is dismissed**. Rule is discharged.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)