

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1561 OF 2024**

1. Kantilal S/o Chandrakant Khade Patil,)
Age: 44 years, Occup. Service as)
Laboratory Assistant, R/o:)
Brahmchaitanya Residency, Nisarg)
Colony, Tupewadi Road, Dahiwadi, Ta.)
Maan. Dist. Satara)
2. Shrimant S/o Sampatrao Toraskar,)
Age: 55 years, Occup. Service as)
Laboratory Assistant, R/o: 99, Gondoli)
Near Saibaba Mandir, Satara, Taluka and)
Dist. Satara)
3. Subhash S/o Balkrushna Avghade,)
Age: 39 years, Occup. Service as)
Laboratory Assistant, R/o: Bhimaai)
Ambedkar Nagar, Sadar Bazar Satara,)
Dist. Satara)
4. Sanjaykumar S/o Kisan Kharade,)
Age: 44 years, Occup. Service as)
Laboratory Assistant, R/o: Bhawanwadi,)
Post. Dahiwadi, Ta. Maan, Dist. Satara)
5. Vijay S/o Maruti Kale,)
Age: 44 years, Occup. Service as)
Laboratory Assistant, R/o Andhali, Post.)
Andhali, Ta. Maan, Dist. Satara)
6. Sunil s/o Dattatraya Ghodekar,)
Age: 57 years, Occu. Service as)
Laboratory Assistant, R/o Ghodegaon,)
Post Ghodegaon, Tq. Ambegaon, Dist.)
Pune.)
7. Dada s/o Baban Shinde,)
Age: 35 years, Occu. Service as)
Laboratory Assistant, R/o: At and Post.)
Saradwadi, Tq. Jamkhed, Dist.)

- Ahmednagar.)
8. Ballesh s/o Balkishan Gosawi,)
 Age: 40 years, Occu. Service as)
 Laboratory Assistant, R/o "Rajas" Behind)
 Lokmanya Stationary, Near P.M.T.)
 Hospital, Loni Sangamner Road, Loni)
 (Bk), Tal. Rahata, Dist. Ahmednagar.)
9. Tukaram s/o Antu Sabale,)
 Age: 46 years, years, Occu. Service as)
 Laboratory Assistant, R/o. Omnagar, Old)
 Takali Road, Kopargaon, Tq. Kopargaon,)
 Dist. Ahmednagar.)
10. Ajinath s/o Lahanu Sasane,)
 Age: 51 years, Occu. Service as)
 Laboratory Assistant, R/o. Datta Colony,)
 Shelar Mala Road, Nagardevle Bhingar,)
 Tal. and Dist. Ahmednagar.)
11. Shivaji s/o Bajirao Arote,)
 Age: 38 years, Occu. Service as)
 Laboratory Assistant, R/o: At & Post)
 Sawgi, Tal. Kopargaon, Dist.)
 Ahmednagar.)
12. Waman s/o Jaiwant Chandrabhan,)
 Age: 54 years, Occu. Service as)
 Laboratory Assistant, R/o At & Post)
 Jawalke, Tq. Kopargaon, Dist.)
 Ahmednagar.)
13. Balshiram s/o Ansu Madhe,)
 Age: 56 years, Occu. Service as)
 Laboratory Assistant, R/o: Kalbandh Post.)
 Shinoli, Tq. Khed, Dist. Pune.)
14. Sagar s/o Gangadhar Kamble,)
 Age: 41 years, Occu. Service as)
 Laboratory Assistant, R/o At & Post Bet,)
 Tal. Kopargaon, Dist. Ahmednagar.)
15. Dilip s/o Yeshwant Yadav,)
 Age: 59 years, Occu. Retired as)

Laboratory Assistant, R/o. Dharampuri,)
 Tal. Malshiras, Dist. Solapur.)

16. Shankar s/o Laxman Jadhav,)
 Age: 60 years, Occu. Retired as)
 Laboratory Assistant, R/o Dahiwadi, Tal.)
 Maan, Dist. Satara.)

17. Rahul s/o Chandrakant Mane,)
 Age: 49 years, Occu. Service as)
 Laboratory Assistant, R/o 15, Dhanshri,)
 Sanmitra Housing Society, in front of)
 Ladies Hostel Guest House Road,)
 Kopargaon, Tq. Walva, Dist. Sangali.)

18. Eknath s/o Ramchandra Ambre)
 Age: 60 years, Occu. Retired as)
 Laboratory Assistant, R/o Riddhi-Siddhi)
 Nagar, Behind Irrigation Office, Yeola)
 Road, Kopargaon, Tq. Kopargaon,)
 District: Ahmednagar.)

19. Ashok s/o Bapurao Gorde,)
 Age: 64 years, Occu. Retired as)
 Laboratory Assistant, R/o Balaji Angan-3,)
 Flat No.12, Near S.G. Vidyalaya,)
 Kopargaon, Tq. Kopargaon, Dist.)
 Ahmednagar)Petitioners

V/s.

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

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

Mr. S.R. Barlinge (through video conferencing mode) a/w.
 Mr. Deepak Pote for the Petitioners.
 Mr. A.C. Bhadang, AGP for the State.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.
DATE : 5th FEBRUARY, 2025**

ORAL JUDGMENT (PER RAVINDRA V. GHUGE, J.) :

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

2. The Petitioners have put forth prayers clauses – (A) and (B), which read as under :-

(A) 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 award the same benefits as granted by the Hon'ble High Court in Writ Petition No.243 of 2007 vide its judgment and order dated 04-07-2014 and 03-03-2022 and start paying the pay scale of Rs.4000/- to Rs.6000/- from the date on which it was made applicable by the Government Resolution dated 27-02-2006.

(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 to the petitioners as may be applicable in case of the individual petitioners within a period of six months.

3. We have considered the submissions of the learned Advocate for the Petitioners and the learned AGP on behalf of the

Respondents. A long list of judgments delivered by this Court at the Aurangabad Bench and at the Principal Seat, from 4th July, 2014 onwards, are placed on record. Similarly, a long list of orders of the Hon'ble Supreme Court from page nos.33 till 37, are also placed on record, which indicate that the Special Leave Petitions filed by the State Government have been rejected.

4. Similarly, a recent order dated 5th December, 2024 passed by the Hon'ble Supreme Court in Special Leave to Appeal (C) No.8707 of 2023, filed by the ***State of Maharashtra and Another v/s. Sanjay and Ors.***, for challenging the final judgment of this Court dated 24th August, 2022 in Writ Petition No.6311 of 2022, is also cited before us. The SLP has been dismissed. The said order indicates a long list of SLPs that were filed by the State of Maharashtra and all of them have been dismissed.

5. It is, thus, a crystalized position that the Government Resolution dated 27th February, 2006 is applicable to employees working as Laboratory Assistants and the benefits flowing from the same are to be extended to them. The State Government has not

introduced any Government Resolution by which the effect of the Government Resolution dated 27th February, 2006 has been withdrawn or neutralised.

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.

12. **Rule is made absolute in the above terms.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)