

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.273 OF 2025
IN
WRIT PETITION NO.4597 OF 2018**

Sharad Nagnath Bubne & Ors. .. Petitioners

vs.

Dinesh Waghmare

Through the Principal Secretary Medical

Education and Drugs Dept. .. Respondent

Mr.Nikhil Patil i/b Mr.P.M. Jadhav for the Petitioners.

Mr.P.P. Kakade, Addl. GP a/w Mr.S.B. Kalel, AGP for the State.

Mr.Neel Helekar for Respondent No.4.

**CORAM : RAVINDRA V. GHUGE &
GAUTAM A. ANKHAD, JJ**

DATE : 14th JULY, 2025.

P.C.

1. We have perused the Judgment dated 19th April, 2024 passed by the Writ Bench in Writ Petition No.4597/2018, more specifically, the conclusions set out in Paragraph Nos.47, 48 and the directions in Paragraph No.49, which read as under :

“47. It is not permissible for the State to classify the employees of aided Ayurvedic Colleges and Hospitals who have taken voluntary retirement after completing qualifying service separately from those who have retired on superannuation. Similarly, it is not permissible to classify the employees of Ayurvedic Colleges who have taken voluntary retirement after completing qualifying service separately from the employees who have taken voluntary retirement after qualifying service in other aided Colleges. The distillation that the Respondents are trying to make is completely arbitrary and goes against the judicial pronouncement that have been referred to above.

48. In conclusion, the decision dated 5 January 2022, being arbitrary, contrary to the decisions of the Court, and offending the equality clause enshrined under Article 14 of the Constitution of India, is required to be quashed and set aside. A case for issuing a mandatory direction is made out.

49. In light thereof, the following directions are issued:

a) It is declared that the Resolution/ decision dated 5 January 2022 denying the benefits of pension and gratuity to the employees working in Ayurvedic aided Educational Institutions who have taken voluntary retirement after qualifying service is arbitrary and ultra vires and infringing Article 14 of the Constitution of India. The Resolution/Decision dated 5 January 2022 is quashed and set aside.

b) It is declared that the Petitioner (except Petitioner No. 7) are entitled to all the pensionary benefits and gratuities as per the Government Resolution dated 10 August 2016 with arrears, as applicable to the other employees of the aided Ayurvedic Colleges listed in Annexure B to Government Resolution dated 10 August 2016 who have retired on superannuation.

c) The Respondent shall disburse the pensionary benefits and gratuity with arrears to the Petitioners (except Petitioner No. 7) within twelve weeks from today. Thereafter, the amount of arrears will carry 6 per cent interest until payment.”

2. The learned Advocate for the Petitioner has placed before us a copy of the recent Government Resolution dated 13th May, 2025 issued by the Medical Education and Drugs Department, Government of

Maharashtra, wherein, the State Government has taken a policy decision to abide by the directions of the Writ court, reproduced above. The same is marked as 'X-1' for identification.

3. The learned Addl. GP submits that he has taken instructions from Respondent No.3 during the lunch recess. Respondent No.2 is not in a position to make a declaration as to when would the Judgment of this Court dated 19th April, 2024, be implemented. The learned Advocate for the Petitioner submits that ultimately Respondent No.1 and 2 would be responsible for the implementation of the order of the Writ Court.

4. Since these Respondents are not willing to make any statement to purge the contempt, **issue notice under the Contempt of Courts Act, in the format prescribed, to Respondent Nos.1 and 2, returnable on 18th August, 2025.** These two Accused/Contemnors are at liberty to enter their Affidavit in Reply, at least one week prior to the returnable date in this matter.

5. Leave to delete Respondent No.2. Deletion be carried out forthwith and the serial numbers of the Respondents, be renumbered.

(GAUTAM A. ANKHAD, J)

(RAVINDRA V. GHUGE, J.)

Corrected as per Speaking to the Minutes of order dated 14/07/2025.