

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

**(951) CONTEMPT PETITION NO.572 OF 2025  
IN  
WRIT PETITION NO.9460 OF 2023**

Mangala Bhaidas Pawara and Anr. ....Petitioners

***Versus***

Vijay Waghmare and Ors. ....Respondents

**WITH  
(952) CONTEMPT PETITION NO.574 OF 2025  
IN  
WRIT PETITION NO.9463 OF 2023**

Chaitram s/o. Nevajya Pawara & Ors. ....Petitioners

***Versus***

Vijay Waghmare and Ors. ....Respondents

**WITH  
(953) CONTEMPT PETITION NO.575 OF 2025  
IN  
WRIT PETITION NO.9457 OF 2023**

Dharmendrasing s/o. Vijaysing  
Parmar & Ors. ....Petitioners

***Versus***

Vijay Waghmare and Ors. ....Respondents

**WITH  
(954) CONTEMPT PETITION NO.576 OF 2025  
IN  
WRIT PETITION NO.9465 OF 2023**

Dipali Pandurang Marathe & Ors. ....Petitioners

***Versus***

Vijay Waghmare and Ors. ....Respondents

**WITH  
(518) CONTEMPT PETITION NO.573 OF 2025  
IN  
WRIT PETITION NO.12249 OF 2023**

Yogesh s/o. Chhagan Vasave & Ors. ....Petitioners

***Versus***

Vijay Waghmare and Ors. ....Respondents

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Mr. Satish Talekar a/w. Mr. Yogesh Morey, Mr. Satyajeet Salve and Mr. Vidyasagar Bhavare i/b. Talekar and Associates for the Petitioners in all Petitions.

Mr. P.P. Kakade, Addl. GP a/w. Mr. S.H. Kankal, AGP for the Respondent – State in CP/572/2025.

Ms. D.S. Deshmukh, AGP for the Respondent – State in CP/574/2025.

Ms. Priyanka Chavan, AGP for the Respondent – State in CP/575/2025.

Mrs. N.M. Mehra, AGP for the Respondent – State in CP/576/2025.

Ms. Diksha Patil, Law Officer, Tribal Development Department and Mr. Ajay Sakhare, Desk Officer, Tribal Development Department present.

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**CORAM : RAVINDRA V. GHUGE**

**&**

**ASHWIN D. BHOBE, JJ.**

**DATE : 10<sup>th</sup> OCTOBER, 2025**

**P.C. :-**

1. Contempt Petition No.573 of 2025, was not on board.

By consent of the parties, taken on the production board.

2. The learned Addl. GP has tendered a ready reference chart (3 pages) along with a compilation of documents, many of which are not legible (150 pages). The ready reference chart and the compilation are taken on record together and collectively marked as

**‘X’.**

3. According to the learned Addl. GP, the Commissioner, Tribal Development, is trying his best to collate information. Voluminous records have to be seen. Cases of all those Petitioners and similarly placed employees, who may not have approached this Court, but have completed 10 years in employment, are being considered. They may be entitled to take the benefit of the judgment of this Court delivered in *Madhukar s/o. Bhavanrao Sadgir and Ors. v/s. State of Maharashtra and Ors.*<sup>1</sup> which is the reason why more time beyond the expected duration for completing the process and complying with the orders of this Court dated 14<sup>th</sup> November, 2024 and 30<sup>th</sup> January, 2025, is required. He submits, on definite instructions, from Ms. Diksha Patil, Law Officer, Tribal Development Department, that within a period of 90 days, this process would be concluded.

4. The learned Advocate representing the Petitioners points out a Government Resolution dated 4<sup>th</sup> August, 2025 vide which the State Government is planning to float Tenders for filling in 1791 posts of Ashram School Teachers under the Adivasi Development Division of the State Government, through outsourced Agencies. He, therefore, submits that the Authorities have actually spent time on formulating a Scheme to bypass the order of this

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Court and the verdict in *Madhukar s/o. Bhavanrao Sadgir* (supra). The time to be utilised for implementing the order of this Court is spent for other reasons.

5. He then points out a recent judgment delivered by the Hon'ble Supreme Court on 22<sup>nd</sup> August, 2025 in SLP (C) No.1347 of 2024 (*Sham Samir Bharatbhai and Ors. v/s. The State of Gujarat and Ors.*) and connected matters, wherein the Hon'ble Supreme Court has recorded in paragraph nos. 32 to 34, as under :

*32. Learned counsels for the appellants have given us a comparative chart drawing out the distinction between the regular Assistant Professors, ad hoc appointee and contractual appointee, like that of the respondents :*

| SN | Assistant Professor Category     | Minimum Educational Qualification | Recruitment                                          | Nature of Duties                                                                                                                                | 2012 Gross salary (per month) | 2025 gross salary (per month) |
|----|----------------------------------|-----------------------------------|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------|
| 1. | Contractual (Petitioners herein) | M. Tech.                          | Through Public Advertisement against sanctioned post | Identical Duties (Teaching Engineering Students in Government Engineering Colleges of the State of Gujarat and occasional administrative work.) | Rs.30,000/-                   | Rs.30,000/-                   |
| 2. | Ad-Hoc (Post-2008)               | B. Tech.                          |                                                      |                                                                                                                                                 | Rs.34,000/- (approx.)         | Rs.1,16,000/- (approx.)       |
| 3. | Regular (Post-2008)              | M. Tech.                          |                                                      |                                                                                                                                                 | Rs.40,412/- (approx.)         | Rs.1,36,952/- (approx.)       |

*33. It is disturbing that Assistant Professors are getting monthly emoluments of Rs. 30,000/-. It is high time that the State takes up the issue and rationalize the pay structure on the basis of functions that they perform. For the present we*

*have followed the decisions of the Gujarat High Court in Acharya Madhavi (supra) and Gohel Vishal Chhaganbhai (supra) to grant appellants the same relief as in those cases. We leave it open to the appellants and such similarly placed Assistant Professors to work out their remedies before the High Court in view of their continued service for a long period. It is for the High Court to consider the same and pass orders as per law.*

*34. For the reasons stated above, we allow the appeals and set aside the judgment and order of the High Court passed by the Division Bench in LPA No. 1371 of 2023 dated 20.12.2023 as well as by the single Judge in R/Special Civil Application No. 11567 of 2018 dated 05.07.2023. Allowing the appeals in part, we direct that the contractually appointed Assistant Professors, shall be entitled to the minimum pay scale admissible to Assistant Professors. Arrears calculated at the rate of 8% shall be paid from three years preceding the date of filing of the writ petitions. With these directions the appeals stand allowed.*

6. We reiterate that the orders of this Court dated 14<sup>th</sup> November, 2024 and 30<sup>th</sup> January, 2025 and the view taken in *Madhukar s/o. Bhavanrao Sadgir* (supra) cannot be bypassed. Those Petitioners who have completed 10 years, have already been protected. The learned Addl. GP submits, on instructions, that the benefits of the order passed by the Writ Court would be made available to the Petitioners within 90 days.

7. Hence, **these Petitions are disposed off**, by consent of the Petitioners. We, however, record that after 90 days, if the Petitioners are required to once again approach this Court, the conduct of all such Officers who would contribute to the decision making process in deference to the orders of this Court dated 14<sup>th</sup> November, 2024 and 30<sup>th</sup> January 2025, would be treated as Contemnors and the matters would be considered as aggravated contempt.

**(ASHWIN D. BHOBE, J.)**

**(RAVINDRA V. GHUGE, J.)**