



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NOS.313 AND 616 OF 2022

WRIT PETITION NO. 313 OF 2022

1. Shri Prashant R. Vaidya, aged about 50 years,
Occ. Service, r/o plot no. 40, Nandanvan Main
Road Behind Datta Mandir Mire Layout,
Nagpur – 440 009
2. Shri Sunil Krushnarao Ingle, aged about 57
years, Occ. Service, r/o Dasara Road,
Rahatekar Wadi, Mahal, Nagpur 440 032
3. Shri Anil Anandrao Khangar, aged about 57
years, Occ. Service, r/o Plot No. 46, Nilkamal
Housing Society, Besa PO. Pipla, Nagpur – 440
034.
4. Shri Mohd. Arif s/o Mohd. Abdul Khatique,
aged about 55 years, occ. Service, r/o near
Nishant General Store, House No.1337, M.A.K.
Azad Bunkar Colony, Ashok Nagar, Nagpur
440 017
5. Shri Shakil Ahmad Shamshul Haque, Aged
about 55 years, Occ. Service, r/o Plot No. 410,
M.A.K. Azad Bunkar Colony, Ashok Nagar,
Nagpur – 440 017
6. Shri Mohan Keshav Bobade, aged about 56
years, Occ. Service, r/o Near Gajanan Maharaj
Mandir Gate, Zenda Chowk, Naik Road,
Mahal, Nagpur 440 032
7. Shri Sunil Manikrao Ingole, aged about 54
years, Occ. Service, r/o Near Pandurang

Mangal Karyalaya, 21, Gire Layout, Godhani Road, Zingabai Takli, Nagpur 440 030

8. Shri Ramesh Ramaji Belsare, aged about 51 years, Occ. Service, r/o Bhagyalaxmi Hall, 43, Ganpati Janki Nagar, Uday Nagar Chowk, VTC Besa, PO. Pipla, Nagpur – 440 034
9. Shri Satish Haribhau Pusatkar, aged about 56 years, Occ. Service, r/o Plot No. 85, Lata Mangeshkar Nagar, Kharbi Road, Nagpur – 440 009
10. Shri Kailash Laxmanrao Chikate, aged about 51 years, Occ. Service, r/o 73 Anand Housing Society, Near Dadasaheb Balpande Pharmacy College, Swami Samarth Mandir, Besa Nagpur – 440 001
11. Shri Ravindra Kawdu Chimote, aged about 55 years, Occ. Service, r/o Near Shitla Mata Mandir Sadar Gond Pura, Katol Road, Nagpur – 440 013

... PETITIONERS

VERSUS

1. The State of Maharashtra, through Secretary Higher and Technical Education, Mantralaya, Madam Cama Road, Shahid Rajguru Chowk, Mumbai – 400 032.
2. The Director Higher Education Government of Maharashtra, Pune.
3. The Joint Director Higher Education, Nagpur Division, Civil Lines, Nagpur.
4. The Rashtra Sant Tukdoji Maharaj Nagpur University, through its Registrar, Jamnalal Bajaj Administrative Campus, Ambazari

Road, Nagpur.

5. Shri Sanjay Gulabrao Meshram, aged about Major, Occ. Service, Department of Backward Cell Rashtra Sant Tukdoji Maharaj Nagpur University, Maharaj Bagh Road, Nagpur.
6. Shri Jayanta Sukdevrao Ganvir, aged about Major, Occ. Service, Department of Geology, Rashtra Sant Tukdoji Maharaj Nagpur University, Law College Square, Nagpur.
7. Shri Sanjay Chandra Bhushanji Bajpayee, aged about Major, Occ. Service, College Development Section Rashtra Sant Tukdoji Maharaj Nagpur University, Maharaj Bagh Nagpur.
8. Shri Rajendra Nilkantrao Dharmali, aged about Major, Occ. Service, Academic Section Rashtra Sant Tukdoji Maharaj Nagpur University, Jamnalal Bajaj Administrative Building, Ambazari Road, Nagpur.
9. Smt. Madhuri Pramod Kshirsagar, aged about Major, Occ. Service, General Examination Section, Rashtra Sant Tukdoji Maharaj Nagpur University, Parikash Bhawan, LIT Hills, Amravati Road, Nagpur.
10. Shri Manish Gajanan Fulzale, aged about Major, occ. Service, Laxmi Narayan Institute of Technology, Rashtra Sant Tukdoji Maharaj Nagpur University, Amravati Road, Nagpur.

11. Shri Lalit Dajiba Meshram, aged about Major, Occ. Service, General Examination Section Rashtra Sant Tukdoji Maharaj Nagpur University, Parikash Bhawan, LIT Hills, Amravati Road, Nagpur.
12. Shri Harishankar Narayan Kishore Pandey, aged about Major, Occ. Service, Accounts Section, Rashtra Sant Tukdoji Maharaj Nagpur University, Campus, Amravati Road, Nagpur.
13. Shri Rajesh Kisan Nanwatkar, aged about Major, Occ. Service, Professional Exam Section Rashtra Sant Tukdoji Maharaj Nagpur University, Parikash Bhawan, LIT Hills, Amravati Road, Nagpur.
14. Smt. Chandrajyoti Prakash Khamat, aged about Major, Occ. Service, General Examination Section Rashtra Sant Tukdoji Maharaj Nagpur University, Parikash Bhawan, LIT Hills, Amravati Road, Nagpur.
15. Shri Sheikh Shakil Sheikh Illahi Aged about Major, Occ. Service, Department of Sanskrit, Rashtra Sant Tukdoji Maharaj Nagpur University, Gandhi Nagar, Nagpur.
16. Smt. Pramila Badal Bombarde, aged about Major, Occ. Service, Department of Electronics and Computer Science Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur.
17. Shri Ashok Rambhau Patil, aged about Major, Occ. Service, Dr. Babasaheb Ambedkar College of Law, Rashtra Sant Tukdoji Maharaj Nagpur University,

Dighori, Nagpur.

18. Shri Gajanan Vithhal Mohite, aged about Major, occ. Service, General Examination Section, Rashtra Sant Tukdoji Maharaj Nagpur University, Parikash Bhawan, LIT Hills, Amravati Road, Nagpur.
19. Shri Vijay Harindranath Thakur, aged about Major, Occ. Service, Accounts Sections, Rashtra Sant Tukdoji Maharaj Nagpur University, Nagpur.
20. Shri Kautikrao Namdev Maghade, aged about Major, Occ. Service, Department of Fine Arts, Rashtra Sant Tukdoji Maharaj Nagpur University, Guru Nanak Bhavan, Ambazari Road, Nagpur.
21. Shri Shivaji Pundlikrao Wakode, aged about Major, occ. Service, Accounts Section, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Nagpur.
22. Shri Kamalkar Pandurangi Khondekar, aged about Major, Occ. Service, Establishment Section, Rashtra Sant Tukdoji Maharaj Nagpur University, Jamnalal Bajaj Administrative Building, Ambazari Road, Nagpur.
23. Shri Gyaneshwar Kisanrao Wanarkar, Aged about Major, Occ. Service, Confidential Section, Rashtra Sant Tukdoji Maharaj Nagpur University, Parikash Bhawan, LIT Hills, Amravati Road, Nagpur.
24. Shri Rajesh Shrawan Bhaisare, aged about major, Occ. Service, Salary Section,

Rashtra Sant Tukdoji Maharaj Nagpur
University Campus, Nagpur.

25. Shri Prabhakar Shrawanji Thakare, aged about major, Occ. Service, Accounts Section, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Nagpur.
26. Shri Narendra Vishwas Sahare aged about Major, Occ. Service, Examination Section, Rashtra Sant Tukdoji Maharaj Nagpur University, Parikash Bhawan, LIT Hills, Amravati Road, Nagpur.
27. Shri Sanjay Anandrao Maraskhole, aged about Major, Occ. Service, Rajiv Gandhi Bio-Technology Centre, Rashtra Sant Tukdoji Maharaj Nagpur University, LIT Hills, Amravati Road, Nagpur.
28. Gajanan Vishnupant Kawale, College Development Section, Rashtrasant Tukdoji Maharaj Nagpur University, Jamanalal Bajaj Administrative Building, Ambazari Road, Nagpur.
29. Maroti Krushanji Borkar, aged about 58 years, Establishment Section, Rashtra sant Tukadoji Maharaj Nagpur University Jamanalal Bajaj Administrative Building, Ambazari Road, Nagpur.
30. Rajendra Pandurang Pathak, Revaluation Section, Examination Building, LIT Campus, Bharat Nagar, Amravati Road, Nagpur.
31. Mangesh Gajanan Irpate, Development Section Rashtrasant Tukadoji Maharaj

Nagpur University, Mahatma Phule
Campus, Amravati Road, Nagpur.

(Amendment as per the Court order dated
06.10.2023.)

... RESPONDENTS

WITH

WRIT PETITION NO. 616 OF 2022

1. Dhiraj Arunrao Pathak, aged about 33 years,
Occ. Service, c/o Omprakash Bhagavatkar,
Gangabai Ghat Road, Near Pathanshah
Dargha, Bhuteshwar Nagar, Nagpur.
2. Prakash Umrao Shende, aged about years,
Occ. Service, plot No. 50, Adivasi Gruh
Nirman Society, Ashtavinayak Nagar, Jaitala
road, Nagpur.
3. Govind Purushottam Akotkar, aged about 52
years, Occ. Service, 24, Shri Ram Krupa,
Pannase Layout, Bhamti, Cement Road,
Nagpur – 440 022
4. Smt. Indira Laxman Aglave, aged about 50
years, Occ. Service, Plot No. 5, Mahatma
Gandhi Nagar, Narsala, Nagpur – 440 034
5. Ravi Manikrao Rohane, Aged about 46 years,
Occ. Service, Plot No. 119, Flat No. 302,
Dattatray Nagar, Near NIT Garden Nagpur.

... PETITIONERS

VERSUS

1. The State of Maharashtra, through
Secretary Higher and Technical Education,
Mantralaya, Madam Cama Road, Shahid

Rajguru Chowk, Mumbai – 400 032,

2. The Director, Higher Education State of Maharashtra, Pune,
3. The Joint Director, Higher Education, Nagpur Division, Civil Lines, Nagpur
4. The Rashtra Sant Tukdoji Maharaj, Nagpur University, Through its Registrar, Jamunalal Bajaj Administrative Campus, Ambazari Road, Nagpur.
5. Smt. Manisha ShivOm Bajpai, aged about major, Occ. Service, Establishment Section, Jamanalal Bajaj Administrative building, Ambazari Road, Rashtra Sant Tukdoji Maharaj Nagpur University, Nagpur.
6. Ramdas Vishwanath Jawanjal, aged about major, Occ. Service, Establishment Section, Jamanalal Bajaj Administrative building, Ambazari Road, Rashtra Sant Tukdoji Maharaj Nagpur University, Nagpur.
7. Shoeb Shammi Ullah Khan, aged about major, Occu. Service, Grievance Cell, Jamanalal Bajaj Administrative building, Ambazari Road, Rashtra Sant Tukdoji Maharaj Nagpur University, Nagpur.
8. Chandrashekhar Digambarrao Shelke, Aged about major, Occ. Service, Development Section Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur.
9. Smt. Jyoti Prakash Shivankar, aged about major, Occ. Service, Audit section, Rashtra Sant Tukdoji Maharaj Nagpur University

Campus, Amravati Road, Nagpur.

10. Suresh Bhikanji Masurkar, aged about major, Occ. Service, Estate Section, Law College Campus, Rashtra Sant Tukdoji Maharaj Nagpur University, Ravinagar, Nagpur.
11. Chandramani Prasad Parmeshwar Prasad Mishra, Aged about major, Occ. Service, Account Section, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur.
12. Smt. Mangala Mohan Bhurle, aged about major, Occ. Service, Establishment Section, Jamanalal Bajaj Administrative building, Ambazari Road, Rashtra Sant Tukdoji Maharaj Nagpur University, Nagpur.
13. Jogendra Prakashrao Hardas, aged about major, Occ. Service, Development Section, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur.
14. Sanjay Jayramji Shende, Aged about major, Occ. Service, Dept of Buddhist Study, Rashtra Sant Tukdoji Maharaj Nagpur University, Ramdaspath, Nagpur.
15. Shailesh Bhojrajsingh Rathod, aged about major, Occ. Service, General Administration Section, Jamanalal Bajaj Administrative building, Ambazari Road, Rashtra Sant Tukdoji Maharaj Nagpur University, Nagpur.
16. Dinesh Ramaji Dakhane, aged about major,

Occ. Service, Audit Section, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur.

17. Smt. Manda Anil Gaikwad, Aged about major, Occ. Service, Special Backward class Section, Jamanalal Bajaj Administrative building, Ambazari Road, Rashtra Sant Tukdoji Maharaj Nagpur University, Nagpur.
18. Smt. Priya Dinesh Tembhurne, Aged about major, Occ. Service, Dept of Ambedkar Thought, Rashtra Sant Tukdoji Maharaj Nagpur University, Ramdaspath, Nagpur.
19. Nitin Govindrao Palkar, Aged about major, Occ. Service, Account Section, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur.
20. Sarika Vinod Gaikwad, Aged about major, Occ. Service, Account Section, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur.
21. Anand Laxmanrao Gatilewar, Aged about major, Occ. Service, Audit Section, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur.
22. Kirti Rupesh Bhade, Aged about major, Occ. Service, General exam, Pariksha Bhawan, LIT Campus, Rashtra Sant Tukdoji Maharaj Nagpur University, Amravati Road, Nagpur.
23. Mangesh Namdeorao Utane, Aged about major, Occ. Service, Finance & Account

section, Rashtra Sant Tukdoji Maharaj
Nagpur University Campus, Amravati
Road, Nagpur.

24. Sachin Chakradhar Jambutkar, Aged about major, Occ. Service, Professional Exam, Pariksha Bhavan, LIT Campus, Rashtra Sant Tukdoji Maharaj Nagpur University, Amravati Road, Nagpur.
25. Ashish Anandrao Bankar, Aged about major, Occ. Service, Dept of Microbiology, LIT, Rashtra Sant Tukdoji Maharaj Nagpur University, Amravati Road, Nagpur.
26. Jayant Bhayyaji Nianve, Aged about major, Occ. Service, College section, Rashtra Sant Tukdoji Maharaj Nagpur University, Maharajbag Road, Nagpur
27. Prasad Achyut Amte, Aged about major, Occ. Service, Result section, Pariksha Bhavan, LIT Campus, Rashtra Sant Tukdoji Maharaj Nagpur University, Amravati Road, Nagpur
28. Smt. Manisha Pradipkumar Nagpurkar, Aged about major, Occ. Service, Establishment Section, Jamanalal Bajaj Administrative Building, Ambazari Road, Rashtra Sant Tukdoji Maharaj Nagpur University, Nagpur
29. Smt. Swati Sushi Bhake, Aged about major, Occ. Service, Dept of Humanties, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur
30. Smt. Mangla Vinod Bankar, Aged about

major, Occ. Service, General Exam,
Pariksha Bhavan, LIT Campus, Rashtra
Sant Tukdoji Maharaj Nagpur University
Campus, Amravati Road, Nagpur

31. Kailash Khetram Bagmare, Aged about
major, Occ. Service, Account Section,
Rashtra Sant Tukdoji Maharaj Nagpur
University Campus, Amravati Road,
Nagpur
32. Suresh Ganpatrao Masram, Aged about
major, Occ. Service, Dept Business
Administration, Law College Campus,
Rashtra Sant Tukdoji Maharaj Nagpur
University Campus, Ravi Nagar, Nagpur
33. Dharmendra Narayan Sayare, Aged about
major, Occ. Service, Account Section,
Rashtra Sant Tukdoji Maharaj Nagpur
University Campus, Amravati Road,
Nagpur
34. Smt. Smita Anil Bhoyar, Aged about major,
Occ. Service, College section, Rashtra Sant
Tukdoji Maharaj Nagpur University
Maharaj Bagh Road, Nagpur
35. Smt. Ashwini Avinash Kale, Aged about
major, Occ. Service, College section,
Rashtra Sant Tukdoji Maharaj Nagpur
University Campus, Maharaj Bagh road,
Nagpur
36. Bhika Digambar Jadhao, Aged about major,
Occ. Service, Confidential Section, Pariksha
Bhavan, LIT Campus, Rashtra Sant Tukdoji
Maharaj Nagpur University, Amravati road,
Nagpur

37. Smt. Gayatri Navinkumar Rathod, Aged about major, Occ. Service, College Section, Rashtra Sant Tukdoji Maharaj Nagpur University, Maharaj Bagh Road, Nagpur
38. Nitin Vasantryao Satghare, Aged About major, Occ. Service, Grievance & legal Section, Jamanalal Bajaj Administrative building, Ambazari Road, Rashtra Sant Tukdoji Maharaj Nagpur University, Nagpur
39. Smt. Savita Sanjay Dahare, Aged about major, Occ. Service, Prakashan Vibhag, Rashtra Sant Tukdoji Maharaj Nagpur University campus, Amravati Road, Nagpur
40. Smt. Archana Pradip Rathod, Aged about major, Occ. Service, Dept of Adult Education, Near Gurunanak Bhavan, Ambazari road, Rashtra Sant Tukdoji Maharaj, Nagpur University, Nagpur.
41. Satish Bhaurao Patil, Aged about major, Occ. Service, Engineering section, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur
42. Salim Shaha Shabbir Shaha, Aged about major, Occ. Service, Development section, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur
43. Rajendra Bhayyaji Landge, Aged about major, Occ. Service, Ph.D Section, Pariksha Bhavan, LIT Campus, Rashtra Sant Tukdoji Maharaj Nagpur University, Amravati Road, Nagpur

44. Ramesh Baliramji Sheware, Aged about major, Occ. Service, Dept of Pharmacy, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur
45. Gajanan Omkarrao Bante, Aged about major, Occ. Service, Ph.D. Section, Pariksha Bhavan, LIT Campus, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur
46. Ajay Shrikantha Bisen, Aged about major, Occ. Service, Exam & Evaluation Section, Pariksha Bhavan, LIT Campus, Rashtra Sant Tukdoji Maharaj Nagpur University, Amravati road, Nagpur
47. Smt. Manish Pramod Pillare, Aged about major, Occ. Service, Dept Ancient Indian History, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur
48. Swapnil Deepakrao Modak, Aged About major, Occ. Service, General Administration, Jamanalal Bajaj Administrative building, Ambazari Road, Rashtra Sant Tukdoji Maharaj Nagpur University, Nagpur
49. Girish Sureshrao Badnakhe, Aged About major, Occ. Service, Registrar office, Jamanalal Bajaj Administrative building, Ambazari Tukdoji Road, Rashtra Sant Maharaj, Nagpur University, Nagpur
50. Ashok Wasudeorao Dalvi, Aged about major, Occ. Service, General Exam &

Enquiry, Pariksha Bhavan, LIT Campus,
Rashtra Sant Tukdoji Maharaj Nagpur
Amravati Road, Nagpur

51. Mangesh Ramdas Chaware Aged about major, Occ. Service, Office of the Director, Laxmi Narayan Institute of Technology, LIT Rashtra Sant Tukdoji Maharaj Nagpur University, Amravati Rod Nagpur
52. Shyamkumar Diwakar Kale, Aged about major, Occ. Service, General Exam & Enquiry, Pariksha Bhavan LIT Campus, Rashtra Sant Tukdoji Maharaj Nagpur University, Amravati Road, Nagpur
53. Sandeep Bhimbahadur Thapa, Aged About major, Occ. Service, Establishment Section, Jamanalal Bajaj Administrative building, Ambazari Road, Rashtra Sant Tukdoji Maharaj Nagpur University, Nagpur
54. Smt. Hemlata Nishid Ambade, Aged about major, Occ. Service, Dept of Humanities, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur
55. Smt. Vibhavari Madhukar Bandabuche, Aged about major, Occ. Service, Audit Section, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur
56. Arun Shankarrao Hattewar, Aged about major, Occ. Service, Confidential Section, Pariksha Bhavan, LIT Campus, Rashtra Sant Tukdoji Maharaj Nagpur University, Amravati Road, Nagpur

57. Pravin Pralhadrao Mangrulkar, Aged about major, Occ. Service, Establishment Section, Jamanalal Bajaj Administrative building, Ambazari Road, Rashtra Sant Tukdoji Maharaj Nagpur University, Nagpur
58. Smt. Neeta Dinesh Dakhane, Aged about major, Occ. Service, Salary & PF Section, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati road, Nagpur
59. Vijay Lahuji Chowdhary, Aged about major, Occ. Service, Law College, Rashtra Sant Tukdoji Maharaj Nagpur University, Ravi Nagar Nagpur
60. Smt. Megha Vinay Salodkar, Aged About major, Occ. Service, Establishment Section, Jamanalal Bajaj Administrative building, Ambazari Road, Rashtra Sant Tukdoji Maharaj Nagpur University, Nagpur
61. Smt. Shubhangi Wasudeo Gawande, Aged about major, Occ. Service, Accounts section, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur
62. Smt. Aparna Shirish Aserkar, Aged About major, Occ. Service, Academic Section, Jamanalal Bajaj Administrative building, Ambazari Road, Rashtra Sant Tukdoji Maharaj University, Nagpur
63. Sachin Bhimrao Ramteke, Aged about major, Occ. Service, Dept of Post Graduate law, Law College Rashtra Sant Tukdoji Maharaj, Nagpur University, Ravi Nagar, Nagpur

64. Smt. Anita Dilip Chowdhary, Aged about major, Occ. Service, General Exam Section, Pariksha Bhavan, LIT Campus, Rashtra Sant Tukdoji Maharaj Nagpur University, Amravati Road, Nagpur
65. Mahesh Shivram Sahu, Aged about major, Occ. Service, Professional Exam, Pariksha Bhavan, LIT Campus, Rashtra Sant Tukdoji Maharaj Nagpur University, Amravati Road, Nagpur
66. Smt. Vidya Vijay Jadhao, Aged About major, Occ., Service, Academic Section, Jamanalal Bajaj Administrative Building, Ambazari Road Sant Tukdoji Maharaj Nagpur University, Nagpur.
67. Smt. Rupali Rajendra Sabalkar, Aged about major, Occ. Service, Dept of Travel & Tourism, Rashtra Sant Tukdoji Maharaj Nagpur University Campus, Amravati Road, Nagpur
68. Akash Diwakar Bhagat, Aged about major, Occ. Service, Office of the Director, Laxmi Narayan Institute of Technology, LIT, Rashtra Sant Tukdoji Maharaj Nagpur University, Amravati University, Nagpur
69. Suraj Siddhartha Suryawanshi, Aged about major, Occ. Service, University Health Centre, Law College Campus, Rashtra Sant Tukdoji Maharaj Nagpur University, Law College Square, Nagpur
70. Smt. Sandhya Mahesh Samudre, Aged about major, Occ. Service, Grievance Cell, Law College Campus, Rashtra Sant Tukdoji

Maharaj Nagpur University, Ravi Nagar
Nagpur.

71. Akshay Diwakar Raut, Aged about major,
Occ. Service, Establishment Section,
Jamanalal Bajaj Administrative building,
Ambazari Road, Rashtra Sant Tukdoji
Maharaj Nagpur University, Nagpur

Shri R.L. Khapre, Senior Advocate with Shri Anand Kinkar, Advocate
for the petitioners. (WP No. 313/2022.)

Mrs. Renuka Puranik/Nalamwar, Advocate for the petitioners.(WP
No.616/2022)

Shri A.S. Fulzele, Addl.G.P for the respondent nos. 1 to 3.

Shri N.S. Khubalkar, Advocate for respondent no. 4.

Shri Rupesh Vaishnav, Advocate h/f Shri Anand Parchure, Advocate
for respondent no. 17.

Shri A.B. Patil, Advocate for respondent nos.6, 12, 15, 18 to 23, 25
to 27.

Shri Sheikh Ayyub, Advocate for respondent nos. 28 and 29.

CORAM : SMT. M.S. JAWALKAR AND PRAVIN S. PATIL, JJ.

CLOSED ON : 06.08.2025.

PRONOUNCED ON : 25.08.2025.

ORAL JUDGMENT : (Per : Pravin S. Patil, J.)

Heard. **RULE.** Rule is made returnable forthwith.

2. Since the issue involved in both the petitions is identical,
they are taken together for final disposal by consent of both the parties.

3. In the present petitions, the grievance raised by the petitioners is that they are working as non-teaching staff in respondent no.4 University and their services are governed by the Maharashtra Non-Agricultural Universities and Affiliated Colleges Standard Code (Terms and Conditions of Service of Non-Teaching Employees) Rules, 1984 (for the sake of convenience, hereinafter referred to as 'the Standard Code'). However, the State Government by the Government Resolution ('GR') dated 20.05.2010 without following the mandate of Section 8(3) and (4) of the Maharashtra Universities Act, 1994 declared that the Standard Code has been repealed. As a consequence of the same, Government Notification dated 06.06.2017 made applicable to their services. The Vice Chancellor under the pretext that the Standard Code has been repealed, time and again by invoking extra-ordinary powers available with him under Section 12(8) of the Maharashtra Universities Act, 1994 as well as the Maharashtra Public Universities Act, 2016 issued directions. As a consequence of the same, their promotional channel has been closed. Hence, they approached before this Court by way of present petitions.

4. In brief, the fact of the matter can be summarized as under : The petitioners are the non-teaching employees of respondent no. 4 University. It is the submission of the petitioners that at the time

of their appointment in the respondent no. 4 University, their services were governed by the Standard Code. According to the said Standard Code, under Rule 3 i.e. classification, appointment and recruitment, the channel of promotion is provided. According to the said channel, promotion to the senior posts is available on the basis of seniority-cum-merit from amongst the persons, who are working in the Universities and possess minimum qualification prescribed for the lower posts and having experience of three year in the lower posts.

5. It is stated by the petitioners that considering the provisions of the Standard Code, till the year 2010, regular promotion has been granted by the respondent no.4 University on the basis of seniority-cum-merit. As such, till the year 2010, there was no dispute amongst the non-teaching employees in respect of promotion to the higher post. According to them, for non-teaching employee maximum promotion available to them up to the post of Superintendent.

6. It is further stated by the petitioners that the Senior Grade Clerk is a feeder category to the Selection Grade Clerk. As per the data available to them, it is stated that the Selection Grade Clerk cadre have total strength of 32 sanctioned posts. At the time of filing the petition, 23 posts out of 32 posts were lying vacant. According to the petitioners,

all these posts of Senior Grade Clerk are required to be filled in by 100% promotion from Senior Grade Clerk.

7. The State government by GR dated 20.05.2010 repealed the Standard Code by stating that till the framing of common Statutes for the University across the State of Maharashtra, it has been decided that provisions of the Maharashtra Civil Services Rules will be made applicable. It is further stated in the GR that there may be certain doubts while taking decision at government level, therefore, five members Committee was constituted for a period of six months to verify all the doubts.

8. The State Government by its further Resolution dated 08.04.2013, revised the Resolution of 20.05.2010 and clarified that the time period of five members Committee constituted is extended up-to 30.06.2013. It is pertinent to note that by this Resolution, it is clarified that as the Government did not frame the common Statutes, the appointments made during the period of 20.05.2010 to 30.06.2013 are to be treated as a regular appointments as per the provisions of the Standard Code and further time was extended to make regular appointment as per the Standard Code up to 30.06.2013.

9. In the said Resolution, it is specifically stated that the State

Government by invoking the powers under Section 8(4) of the Maharashtra Universities Act, 1994, took decision in the matter.

10. It is specifically stated that the State Government on 29.01.2014 issued the Government Supplementary letter stating that the Standard Code is restored and same would be applicable only for non-teaching staff of affiliated colleges. In the said letter, there is no mention that it has been restored for non-teaching staff of Non-agricultural University. As such, by taking benefit of this fact, the respondent no. 4 University did not implement the Standard Code. As a result, there was/is anomaly between the employees of affiliated College and non-agricultural University.

11. In the meantime, the Maharashtra Universities Act, 1994 was repealed and the Maharashtra Public Universities Act, 2016 came into an operation vide Maharashtra Act No. VI of 2017 with effect from 01.03.2017.

12. The General Administration Department of State Government vide its Notification dated 06.06.2017 framed the Rules i.e. clerk-typist, 'Group 'C' in the Government office, outside greater Mumbai (Recruitment) Rules, 2017 ('Rules 2017'). As per this Rules, the criteria is laid down for the appointment to the post of Clerk/Typist

by way of nomination as well as by promotion. According to the said Rules, Graduate Degree is prescribed as the minimum criteria for appointment to the lower post of Clerk/Typist by way of nomination. And those employees, who were possession Graduate Degree at feeder post are held entitle for higher post. According to the petitioners, there was no consideration of large numbers of employees on lower posts with basis qualification of 10th standard. Resultantly, the petitioners are deprived from their statutory right of promotion.

13. In view of coming into operation of the Maharashtra Public Universities Act, 2016, respondent no. 4 University under the presumption that the Standard Code has been repealed by the GR dated 20.05.2010 and the common Statutes are not framed by the State Government, initially issued direction no. 9 of 19 and thereby prescribed the qualification for the post of lower grade clerk as Graduate Degree at the time of the appointment. And relying on the Rules 2017, closed the channel of promotion of the non-teaching staff to the higher grade clerk, who were already appointed at the lower posts in respondent no. 4 University on the basis of qualification of 10th standard or below Graduate Degree.

14. It is stated that the Vice Chancellor under Section 12(8) of

the Maharashtra Public Universities Act, 2016 is empowered to issue 'directions' where any matter is required to be regulated by the Statutes, Ordinances or Regulations, but in case no Statutes, Ordinances or Regulations are made in that behalf or where there is an exigencies to amend the Statutes, Ordinances or Regulations. It is further clear from the said provisions that after issuing such directions, it shall be necessary for him to place the said directions before the Management Council or other concerned Authority for approval/consideration a draft of the Statutes, Ordinances or Regulations. If, such direction is not converted into the Statutes, Ordinances or Regulations within a period of six months from issuing of such direction, then such directions shall automatically lapse.

15. The Vice Chancellor of respondent no. 4 University by exercising the powers under Section 12(8), initially issued direction no.9 of 19, but same was not converted into any Statutes, Ordinances or Regulations within a period of six months. Thereafter, he continued to issue one after another directions i.e. direction nos.51 of 19, 10 of 21, 30 of 21 and 23 of 22. As such, on the basis of these directions issued by respondent no.4 University, the petitioners were deprived of from promotion to the higher post i.e. selection grade clerk.

16. In the meantime, State Government had issued Guidelines for considering the promotions to the government servants where the promotional channel was not made available to them. As such, the petitioners on the basis of this subsequent GR dated 01.08.2019, made a representation to the respondent no.4 University through their Union. The petitioners through their Union raised grievance that in view of Guidelines framed by the State Government for considering the promotion, issued directions from time to time by the Vice Chancellor by invoking powers under Section 12(8) is contrary to the same, and therefore, their grievance should be considered in the matter. However, no response was given by the respondent no. 4 University to their representation, hence the petitioners again on 21.12.2021 issued reminder requesting to consider their grievance. The petitioners on 05.01.2022 made specific representation to the Joint Director of Higher Education, Pune raising a grievance to consider the stagnation in their services as no promotional channel is available to them.

17. In response to the continuous persuasion, respondent no.4 University by his communication dated 14.01.2021 called the President of Rashtrasant Tukdoji Maharaj Nagpur University Bahujan Karmachari Sanghatana, Nagpur to discuss the issue. Though discussion were held, no fruitful result was came out.

18. Thereafter, respondent no.4 University issued promotion orders on the basis of direction no.30 of 2021 issued by respondent no. 4 University to the persons who are junior to the petitioners. Not only this, respondent no. 4 University further issued directions no.23 of 2022 and kept continue the same position by promoting the juniors on the higher post.

19. In the above-mentioned background, the petitioners are claiming promotion as their claim has been superseded by promoting juniors by respondent no.4 University. This Court considering the grievance of the petitioners while issuing the notice to the respondents on 20.01.2022, by interim order directed the respondents that the impugned promotional order be kept in abeyance, if the same has not been given effect till date. The said interim order passed by this Court is continued in the matter.

20. In response, respondent nos.1 to 3 filed their affidavit-in-reply stating that in view of GR dated 20.05.2010, the provisions of the Standard Code has been repealed till the framing of common Statutes for the Universities across the State of Maharashtra. In respect of Government Supplementary letter dated 29.01.2014, it is stated that the Standard Code is applicable to the employees of the affiliated

Colleges and not to the employees of respondent no. 4 University. In the meantime for promotion of the employees of the University, the provisions of the Maharashtra Civil Services Rules are applicable.

21. By an additional reply it is also stated by the respondent nos. 1 to 3 that the Standard Code became very old, same requires modification. According to them, different Universities have prepared separate Statutes for their employees. In order to bring uniformity in terms and conditions of the employees, decision has been taken to prepare common Statutes for all the Universities. However, it is not made clear that what steps the Government has taken to frame common Statutes, particularly in view of the Government Supplementary letter dated 29.01.2024. It is further stated by them that GR dated 20.05.2010, 08.04.2013 and 29.01.2014 have been issued by invoking the powers conferred by the provisions of Section 8(4) of the Maharashtra Universities Act, 1994 and therefore, challenge to the GR is not justified in the matter.

22. Respondent no. 4 University stated that the Standard Code has been repealed by the GR dated 20.05.2010 and it is made clear in the said Resolution that the same would be applicable to the both non-teaching staff of the non-agricultural Universities and non-teaching

staff of the affiliated Colleges. It is stated by respondent no. 4 University that vide Supplementary letter of the State Government dated 29.01.2014, the Standard Code has been restored only for the non-teaching staff of the affiliated College and not for the non-teaching staff of the non-agricultural University. Respondent no.4 University has heavily relied upon the Government Notification dated 06.06.2017, which according to them, is applicable due to repeal of the Standard Code till the framing of common Statutes by the State of Maharashtra.

23. To substantiate this submission, the respondent no. 4 University has relied upon Section 71(20) of the Maharashtra Public Universities Act by stating that the Qualification, Recruitment, Duties and Condition of service of employees of University and affiliated Colleges required to be in consonance with the policy framed by the State Government and any Statutes, Ordinances and Regulations shall not be in contravention of the State Government Policies. Hence, the action of respondent no. 4 University was in consonance of the provision of law.

24. Respondent no. 4 University stated that in view of powers conferred under Section 12(8) of the Maharashtra Public Universities Act, 2016, the Vice Chancellor has invoked powers and time to time

issued directions. Hence, according to respondent no. 4 University, the procedure adopted by them is in consonance with the policy framed by the State Government.

25. Respondent no.4 University to buttress the submission relied upon the letter of the Joint Director of the Higher Education dated 05.04.2018, wherein it is stated that while effecting the promotion to the post of clerk/typist, the candidate should possess the Graduate Degree as per the Notification dated 06.06.2017. Hence, relying on the same, respondent no. 4 University is issuing promotional order to the eligible candidates.

26. In the present matter, after filing of the reply by respective parties, the petitioners have filed an additional affidavit in the matter on 05.12.2023. It is stated by the petitioners that one of the petitioner has obtained information under the Right to Information Act, 2005 ('RTI Act') from the office of Director of Higher Education, Pune vide application dated 17.12.2023 regarding applicability of the Standard Code to the promotion of senior grade clerk working at non-agricultural University. Accordingly, the Director of Higher Education informed to the petitioner that the Standard Code is applicable to the non-teaching employees working at non-agricultural University in

Maharashtra State as per the GR dated 29.01.2014. The relevant extract supplied by the office of the Director of Higher Education, Maharashtra State, Pune vide communication dated 08.11.2023 is reproduced as under :

तसेच शिक्षकेतर कर्मचारि प्रमाणसंहिता १९८४ ही राज्यतील आकृषी विद्यापीठे आणि संलग्नित महाविद्यालयातील शिक्षकेतर पदासाठी लागू असल्याबाबत शासन पत्रका पत्र उच्च व तंत्र शिक्षण विभाग क्रमांक नवीन २४९३/८१/२०१३ दि.२९ जानेवारी, २०१४ अन्वये लागू आहे. सोबत शासन पत्रका पत्राची प्रत जोडली आहे. तसेच विद्यापीठ प्रमाणसंहिता ही खालील कर्मचार्यांना लागू असल्याबाबतचे पत्राची प्रत सोबत जोडली आहे. तसेच विद्यापीठ प्रमाणसंहिता १९८४ संदर्भातील संबंधित २ पृष्ठ सोबत जोडली आहेत.

27. In view of this affidavit and information received under the RTI from the office of the Director of Higher Education, who is the Highest Officer in the Hierarchy of the Higher and Technical Education, respondent no. 3 was expected to admit the said fact. However, respondent nos.1 to 3 filed additional affidavit on 09.08.2024 under the signature of the Joint Director of Higher Education, Nagpur Division Nagpur stating that the communication dated 08.11.2023 issued to the petitioner under the RTI Act is by the Public Information Officer functioning in the office of Director of Higher Education and the same is not acceptable to him. It is reiterated by respondent nos.1 to 3 that in view of repeal of the Standard Code vide GR dated 20.05.2010, the provisions of Government Notification/Resolution

dated 06.06.2017 would be applicable to govern the service condition of the petitioners. So also, respondent no. 4 University stated that the information supplied to the petitioners under the RTI Act is not correct in the matter as the GR issued by respondent nos.1 is very much clear and in consonance with the same, the University has taken necessary steps in the matter. Therefore, respondents denied the documents which has been supplied to the petitioners under the RTI Act.

28. In the background of above said factual position, the issue falls for consideration in the present petition is as to whether vide GR dated 20.05.2010 the Standard Code is repealed ?. If the Standard Code has been repealed then why since last 15 years common Statutes are not prepared for whole Maharashtra State. The State Government is justified to issue Government Supplementary letter stating that the Standard Code is restored only for the non-teaching staff of affiliated Colleges and not for the University's employees and lastly, whether Vice Chancellor of the University can invoke time and again the powers under Section 12(8) to issue directions in the matter.

29. In view of this controversy, we have firstly looked into the provisions of the Maharashtra Universities Act, 1994 as well as the Maharashtra Public Universities Act, 2016. It would be relevant to

quote Section 8 of the old Maharashtra Universities Act, 1994, as at the relevant time of issuing the GR dated 20.05.2010, same was in existence.

“8. Control of State Government on universities.

(1) Without prior approval of the State Government, the university shall not -

(a) create new posts of teachers, officers or other employees;

(b) revise the pay, allowances, post-retirement benefits and other benefits of its teachers, officers and other employees;

(c) grant any special pay, allowance or other extra remuneration of any description whatsoever, including ex-gratia payment or other benefits having financial implications, to any of its teachers, officers or other employees;

(d) divert any earmarked funds received for any purpose other than that for which it was received.

(e) transfer by sale or lease of immovable property ;

(f) incur expenditure on any development work from the funds received from the State Government or University Grants Commission or any person or body for the purposes other than the purposes for which the funds are received;

(g) take any decision regarding affiliated colleges resulting in increased financial liability, direct or indirect, for the State Government.

(2) The university shall be competent to incur expenditure from the funds received from,-

(a) various funding agencies without any share or contribution from the State Government;

(b) Fees for academic programmes started on self-supporting basis;

(c) contributions received from individuals, industries, institutions, organizations or any person whosoever, to further the objectives of the university;

(d) contributions or fees for academic or other services offered by the University;

(e) development fund, if any, established by the university for the purposes of-

(i) creation of posts in various categories for specific period ;

(ii) granting pay, allowances and other benefits to the posts created through its own funds provided those posts are not held by such persons, who are holding the posts for which government contribution is received;

(iii) starting any academic programmes on self-supporting basis;

(iv) incurring expenditure on any development work, without referring the matter for approval of the State Government, provided that, there is no financial liability, direct or indirect, immediate or in future, on the State Government.

(3) The State Government may in accordance with the provisions contained in this Act, for the purpose of securing and maintaining uniform standards, by notification in the Official Gazette, prescribe a Standard Code providing for the classification, manner and mode of selection and appointment, absorption of teachers and employees rendered surplus, reservation of post in favour of members of the Scheduled Castes, Scheduled Tribes, [De-notified Tribes, (Vimukta Jatis), Nomadic Tribes] and Other Backward Classes, duties, workload, pay, allowances, post-retirement benefits, other benefits, conduct and disciplinary matters and other conditions of service of the officers, teachers and other employees of the universities and the teachers and other employees in the affiliated colleges and recognized institutions (other than those managed and maintained by the State Government, Central Government and the local authorities). When such Code is prescribed, the provisions made in the Code shall prevail, and the provisions made in the Statues, Ordinances and

Regulations and Rules made under this Act, for matters included in the Code shall, to the extent to which they are inconsistent with the provisions of the Code, be invalid.

(4) In case of failure of the university to exercise powers or perform duties specified in section 5 or where the university has not exercised such powers or performed such duties adequately, or where there has been a failure to comply with any order issued by the State Government, the State Government may, on making such enquiry as it may deem fit, issue a directive to the university for proper exercise of such powers or performance of such duties or comply with the order; and it shall be the duty of the university to comply with such direction:

[Provided that, in case the university fails to comply with the directives, the State Government shall call upon the University to give reasons in writing why the directives were not complied with. If the State Government is not satisfied with the explanation, it may refer the matter to the Chancellor for taking necessary action under sub-section (3) of section 9.]

(5) The State Government may carry out test audit or full audit of the accounts of an university, college, school or institution regularly at such intervals as the State Government may deem fit.

30. Section 8(3) of the abovesaid provisions, made it clear that State Government in accordance with the provisions contained in the Act by notification in the official gazette, prescribed the Standard Code providing for Classification, Manner and mode of selection. And it is made clear that when such code is prescribed, the provisions made in the Statutes, Ordinances and Regulations made in the Act, for matters included in the Code shall, to the extend to which they are in consistent

with the provisions of the Code be invalid.

31. Clause 8(4) of the above said provisions, the Government is empowered to prescribe the qualification and experience for the purpose of appointment of non-teaching employee in the University, in case of failure of the University to exercise such powers, same shall be done by the Government, by publishing order in the official gazette. To this extent, there is no dispute between the parties.

32. In the background of this legal provision, while this matter was taken up for hearing on 18.06.2025, learned Counsel for the petitioners raised specific ground that GR dated 20.05.2010 is not published in the official gazette and therefore, the said GR cannot be made applicable in the matter. Therefore, all the consequential action taken in the matter are vitiated.

33. After considering his submission, we have asked the learned Assistant Government Pleader to seek instructions on this issue from the respondent nos.1 to 3. Consequently, on 24.07.2025, learned Assistant Government Pleader has produced communication of the Section Officer of Higher Technical Education, Maharashtra State, Mumbai dated 05.09.2025, wherein it is categorically stated that GR dated 20.05.2010 is not published in Government Notification and the

process of conversion is in progress. The said document is taken on record and marked as Annexure 'X' for identification.

34. In view of the document dated 05.09.2025 placed on record by respondent nos.1, it is thus clear that the GR dated 20.05.2010 till date not published in the Government Notification as required under Section 8(3) and (4) of the Maharashtra Public Universities Act, 2016, hence all subsequent Government Resolutions, directions issued by respondent no. 4 University loses its significance in the matter.

35. It will further necessary to note that the State Government from the date of publishing the GR dated 20.05.2010 seems to be under dilemma. The State Government vide GR dated 08.04.2013 at one hand extended the time period of GR-2015/10 and kept continue the implementation of the Standard Code till 30.06.2013. So also, declared that appointment made during extended period are treated to be made under the provision of the Standard Code.

36. Thereafter, by Supplementary Government Letter dated 29.01.2014 restored the provisions of Standard Code and instead of stating the restoration of the same for all the non-teaching employees, without any justification stated that same is restored for private colleges affiliated with non-agricultural University. As such, time to

time GR issued by respondent no.1 State Government are not in conformity with each other. As such, due to respondent no. 1 whole mess is created in the matter.

37. It is further pertinent to note that the powers under Section 8(4) of the Maharashtra Universities Act, 1994 can be invoked in case of failure of the University to exercise powers or perform duties specified in Section 8(3) of the Maharashtra University Act, 1994. Hence, for invoking the powers under Section 8(4) of the Maharashtra Universities Act, 1994, it is necessary for the respondent no.1 to first establish that how there is failure on the part of the University to exercise their powers or to perform any duties adequately. However, there is no such material placed on record by respondent no.1 while exercising the powers under Section 8(4) of the Maharashtra Universities Act, 1994 and therefore, we are of the considered opinion that GR issued on 20.05.2010, 08.04.2013 and 29.01.2014 are in contravention of Section 8(4) of the Maharashtra University Act, 1994.

38. The respondent no. 4 University since the year 2019 onward up to till date has issued one and another directives by exercising powers under Section 12(8) of the Maharashtra Public Universities Act, 2016. To understand how such powers can be

exercised, Section 12(8) of the Maharashtra Public Universities Act, 2016 is reproduced as under :

“12. Powers and duties of Vice-Chancellor.

(8) Where any matter is required to be regulated by the Statutes, Ordinances or Regulations, but no Statutes, Ordinances or Regulations are made in that behalf or where there is an exigency to amend Statutes, Ordinances or Regulations, the Vice Chancellor may, for the time being, regulate the matter by issuing such directions as he thinks necessary, and shall, at the earliest opportunity thereafter, place them before the Management Council or other authority or body concerned for approval. He shall, at the same time, place before such authority or body for consideration the draft of the Statutes, Ordinances or Regulations, as the case may be, required to be made in that behalf:

Provided that, such direction shall have to be converted into Statute, Ordinance or Regulations as the case may be, within six months of issuing of such direction failing which such direction shall automatically lapse.”

39. Bare perusal of this provision, it is clear that the Vice Chancellor can exercise extra-ordinary powers under this provision or where there is an exigency to amend Statutes, Ordinance or Regulations for the time being to regulate the matter. The provision further clearly states that after issuing such direction, at the earliest opportunity, same should be placed before the Management Council for approval. The proviso of this provision also clarified that, if such directions are not converted into Statutes, Ordinances or Regulations within six months of issuance of such directions, such direction shall

automatically lapse. But in the present matter, for a period of at-least four years without getting approval of the same from the Management Council, the respondent no. 4 University issued one after another 'Directions'. According to us, exercising of such powers is not in consonance with the intention of legislature while conferring extraordinary powers to Vice-Chancellor. So also in normal course, reasons should come forward what was the reason to not convert said Direction into Statutes, Ordinances or Regulations, as per the mandate of law. But nothing is made available on record by respondent no.4 University. Hence, we are of the considered opinion that respondent no.4 University by issuing one after another directions of same nature, without converting it into Statutes, Ordinance or Regulations is nothing but exercising the colorful powers, which is contrary to the mandates of Section 12(8) of the Maharashtra Public University Act, 2016.

40. One more important aspect in the present matter is that the Director of Higher and Technical Education under the RTI Act supplied the information to the petitioner that the Standard Code would be applicable to the non-teaching staff of the employees of the University. As per the provisions of the RTI Act, any information provided under this Act is having a statutory force. Furthermore, the Director of Higher and Technical Education is the highest authority in the hierarchy of the

Department. Therefore, once this information has been supplied under the RTI Act and the respondent want to denied the said document, which was issued from the highest officer, it is least expected that to deny such document the affidavit of the Director of the Higher and Technical Education should have been placed on record. However, in the present matter, the affidavit to deny the information supplied under Right to Information Act to the petitioner's affidavit is filed under the signature of the Joint Director of the Higher Education. Therefore, We do not agree to accept such affidavit of respondent no. 3. We also found that no document is placed on record to state that the Director of Higher and Technical Education has empowered respondent no. 3 by any specific communication to sworn affidavit in this behalf in the present matter. Hence, only conclusion can be drawn that information supplied under the RTI Act is valid and cannot be denied in the facts and circumstances of the matter.

41. It is pertinent to note that in case GR dated 20.05.2010 is accepted to be valid, then the Rules framed by the State Government vide Notification dated 06.06.2017 is to be made applicable in the matter. The bare perusal of said Rules which are framed in the year 2017 made it clear that there will be no promotional channel to the lower grade clerk unless he possess the qualification of Graduate

Degree. As such, the petitioners and other like employees, who were appointed in pursuance of the Standard Code, before 2017 in the lower grade category, who were having qualification of SCC passed or below Graduation Degree as prescribed in the Standard Code, in their life time would not be in the position to get promotion to the higher posts. On this point a specific query was put to the learned Counsel for the respondent no. 4 University, on which he states that the Standard Code being the old one and the higher post required higher qualification, the qualification prescribed in the Notification dated 06.06.2017 is correct.

42. According to us when for the time being any Rules are to be made applicable, they should not be in direct contradiction to the earlier Rules applicable to employees and take away the channel of promotion available to the petitioners on the basis of general Rule of seniority-cum-merit. This would be a discrimination between the common set of employees who were appointed before 2017. Furthermore, the promotional channel is always to be kept open by keeping in mind the qualification required for the lower post. In view of this reason we are of the opinion that GR dated 06.06.2017 which is not in consonance with the general principles of promotion is otherwise also cannot be made applicable in the matter, irrespective of its validity and sanctity of GR dated 20.05.2010.

43. In the above said factual and legal position, we are of the confirmed opinion that the entire action of the respondents since the year 2010 is contrary to the provisions of law, and accordingly, neither the GR nor the Directions issued by the respondent no.4 University time and again, are sustainable in the eyes of law. The Standard Code framed under Section 8(3) of the old Maharashtra Universities Act is holding the field. So also the provisions of the Maharashtra Public Universities Act, 2016, nowhere stated about repeal of same. On the contrary, Section 8(3) of the Act, 2016 is para-materia with Section 8(3) of old Maharashtra Universities Act, 1994. Hence, only conclusion can be drawn that the Standard Code is not repealed by GR dated 20.05.2010 and all subsequent GR, Directions of respondents are held illegal.

44. At the same time, the respective respondents, who were promoted on the basis of the GR cannot be made scapegoat in the matter. Therefore, it will be not proper to revert them on their original posts and promote the petitioners on their posts. In this regard, the petitioners fairly stated that the law laid down by the Hon'ble Supreme Court in the case of *Gurcharan Singh Grewal and anr. vs. Punjab State Electricity Board and ors. (2009) 3 SCC 94*, i.e. the Rule of stepping up of pay can be made applicable in the matter if there is anomaly in

seniors pay or like in the present case. Accordingly accepting the principle of stepping up of pay, the persons who are promoted should not be affected in the matter and the petitioners, who are deprived from the monetary benefits, the same can be granted to them from the date on which they are eligible for the post or from the date when the juniors were promoted by superseding the claim of the seniors.

45. The same view is taken by this Court by relying upon the judgment of the Hon'ble Supreme Court in the *Writ Petition No. 2750 of 1990 (Virendra Shankarrao Gonge and ors. vs. State of Maharashtra and anr.)* dated 21.06.2006 and observed in paragraphs 14 and 15 as under :

“14. It cannot be lost sight of that the petitioners have challenged their fixation which has been done in terms of Government Resolution dated 7.8.1981. The learned Counsel for the respondents have argued that several Junior Research Assistants have already been given benefit of fixation in pay scale of Rs.680-1250 and those persons are not parties before this Court. We find that the grievance of the petitioners can be ventilated by directing the respondents to step up their pay to the existing pay of the Senior Research Assistants who got the fixation existing pay of the Senior Research Assistants who got the fixation in scale of 680-1250 accordingly prior to them because of completion of total five years of service in University but is junior to them in cadre of Senior Research Assistant. Thus, if pay of petitioners is stepped up, no injustice will be caused to such junior in cadre Senior Research Assistants who were already placed in time scale of Rs.680-1250 at the

relevant time and whose salary has been revised accordingly from time to time.

15. We accordingly hold that the condition of having five years total experience of University service for claiming pay scale of Rs.680-1250 in the cadre of Senior Research Assistant is unsustainable. The 5 years service has to be after the candidate is appointed or promoted as the Senior Research Assistant. In view of this interpretation given by us, it is not necessary to quash or set aside the said condition. The respondents are directed to step up the pay of the petitioners as mentioned above & to release to them all consequential arrears and to complete said exercise as early as possible and in any case within a period of four months from today. Writ Petition is allowed accordingly. Rule is made absolute in above terms. There shall be no order as to costs."

46. In the light of above reasons, we are of the considered opinion that the petitioners are entitled for the benefits, which they have claimed in the petition and accordingly, we passed the following order :

- (a) The Writ Petitions are allowed.
- (b) It is held and declared that Government Resolution dated 20.05.2010 being not published in the official gazette and was issued in contravention of Section 8(3) and (4) of the Maharashtra Universities Act, 1994, the same is illegal and accordingly, same is quashed and set aside.
- (c) It is declared that the service conditions and manner of

recruitment and qualification in respect of non-teaching staff of Nagpur University shall be governed by the Maharashtra Non-agricultural Universities and Affiliated Colleges Standard Code (terms and conditions of non-teaching employees) Rules, 1984 and according to the said provisions, respondent no. 4 University to issue consequential benefits of service including promotion to higher post to petitioners.

- (d) It is further made clear that qualification stipulated by the State Government in Government Resolution dated 06.06.2017 is not applicable to the non-teaching staff employees of the Nagpur University.
- (e) The respondents are directed to grant deemed date promotion to the petitioners i.e. date on which promotion was given to their juniors i.e. respective respondents of both the petitions with fixation of their salary with admissible increments by applying the principles of stepping up of pay without disturbing the promotion of respective respondents of both the petitions.
- (f) It is further directed that respondent no. 4 University should complete the whole exercise of granting deemed date promotion to the petitioners with admissible increments and other benefits of services including arrears of increments and further to revise the pension in case any of the petitioners are superannuated in accordance with the deemed date, within a period of four months from the date of the receipt of this

order.

47. Rule is made absolute in aforesaid terms. No order as to costs.

(PRAVIN S. PATIL, J.)

(SMT. M.S. JAWALKAR, J.)

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