



4559-23.odt

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

WRIT PETITION NO.4559 OF 2023

1. Shailendra Gorobaji Hanwate
2. Vikas Maheshkumar Agrawal
3. Sumit Pavan Chellani
4. Piyush Ishwar Keswani
5. Kapil Nandlal Kukreja
6. Deochand Ramaji Nandagaoli
7. Sandeep Ashok Pamnani
8. Amit Sunil Ramtani
9. Shubhangi Manohar Tembhurkar
10. Jaya Sunil Hingorani
11. Nalini Ashok Hirani
12. Jayant Govindrao Bagde
13. Anjum Narayanrao Dhurve
14. Abhay Sharadrao Salunke
15. Rajendrakumar Yadavrao Zade
16. Manoj Shripad Neralwar
17. Vinod Madhukarrao Choudhari
18. Leena Navin Kamble
19. Narendra Punjaramji Chafale
20. Vilas Madhukarrao Kite
21. Sarangdhar Ganpat Meshram
22. Motiram Anandrao Denge
23. Naresh Mahadev Tamgadge
24. Pramod Shankarrao Badge (Dead),
Thr. L.R. Smt Pramila Pramod Badge
25. Narendra Devidas Paralkar
26. Deepdarshana Pradeep Kanse
27. Kirti Pankaj Wankhede
28. Alka Laxman Lamghare

29. Haribhau Jankiram Gedam
30. Gopal Vithobaji Choudhary
31. Nazim Karim Sheikh
32. Ronald Patric Thomas
33. Sudhir Yashwantrao Choudhari
34. Sandip Vijay Dekate
35. Ravindra Mohan Wadhive
36. Prahsant Murlidhar Goje (Deceased)
Thr. L.R. Sarika Prashant Goje
37. Vilas Balaji Kagdelwar (Dead)
Thr. L.R. Vidya Vilas Kagdelwar

... Petitioners

-vs-

1. State of Maharashtra,
Thr. Secretary, Higher & Technical Education Dept.
Mantralaya, Mumbai.
2. Director of Higher Education,
Maharashtra State, Central Building, Pune
3. Joint Director, Higher Education,
Nagpur Division, Nagpur. and ors.

... Respondents

Shri P. A. Kadu, Advocate for petitioners.

Shri I. J . Damle, Assistant Government Pleader for respondent Nos.1 to 3.

CORAM : NITIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.

DATE : May 06, 2025

P. C.

Civil Application No.379/2025

1. For the reasons disclosed, the application for amendment is allowed.
Amendment be carried out forthwith.

Civil Application is allowed and disposed of.

Writ Petition No.4559/2023

1. Heard.
2. The petitioners are working as Laboratory Assistants in colleges

admissible to the grant from the respondent No.1-Government exchequer. Their grievance is that the revised pay-scale as per the Government Resolution dated 27/02/2006 which is made applicable to the similarly situated employees is not made applicable and the benefits are not extended to the petitioners.

3. It is the case of the petitioners that the issue was adjudicated by the Aurangabad Bench in Writ Petition No.243/2007 (*Shirish s/o Mukundrao Patil and anr. vs. The State of Maharashtra and ors.*) on 07/04/2014 and the said judgment was confirmed in Review Application No.119/2016 decided on 19/04/2017. It is claimed that the Special Leave Petition carried by the State Government to the Apex Court agitating the similar issue has resulted in dismissal on 05/12/2024. As such it is claimed that this petition needs to be allowed in view of the aforesaid judgments.

4. As against above, the learned Assistant Government Pleader would urge that dismissal of Special Leave Petition is a fact borne out of the record. However, he would try to distinguish the nature of work of the petitioners in Writ Petition No.243/2007 and the petitioners in the case at hand.

5. Be that as it may. The fact remains that the issue is squarely covered by the judgment delivered by the Aurangabad Bench in Writ Petition No.243/2007 which was confirmed by the judgment dated 04/07/2014 in Review Application No.119/2016. As similar issue was agitated by the State

of Maharashtra in Special Leave Petition No.13832/2020 questioning the judgment and order dated 21/01/2019 in Writ Petition No.12290/2018 decided by the Aurangabad Bench on 21/01/2019 and said Special Leave Petition being dismissed, in such an eventuality it has to be inferred that the view expressed by this Court in Writ Petition No.243/2007 decided on 04/07/2014 has attained finality.

6. In response to the Court's query, the learned Assistant Government Pleader is not in a position to demonstrate as to how the case of the petitioners in this petition is different than that of the case of the petitioners in Writ Petition No.243/2007 decided at Aurangabad Bench.

7. In such a eventuality, we are of the view that the petitioners are entitled for similar relief as is granted while deciding the Writ Petition No.243/2007 vide order dated 04/07/2014 at Aurangabad Bench.

8. As such the writ petition stands allowed in terms of prayer clause (i).

We further direct the respondents to release the consequential amount in favour of the petitioners within a period of four months from the date of service of the certified copy of this order to the concerned respondents.

No costs.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)