



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

**WRIT PETITION NO. 7313 OF 2024**

Dr. Pramod S/o. Bhujangrao  
Khedekar, aged about 59 years,  
Occupation: Service, R/o. Plot No.6,  
Guruprasad Nagar, Gajanan  
Housing society, Dattawadi, Nagpur  
- 440 023

**....PETITIONER**

**....VERSUS....**

1. State of Maharashtra  
Through its Secretary, Higher &  
Technical Education Department  
Government of Maharashtra, 411,  
Fourth Floor Mantralaya Annex,  
Madam Cama Road, Nariman Point,  
Mumbai - 400 032

2. Director of Higher Education,  
Directorate of Higher Education,  
412, E, Bahirat Patil Chowk, Model  
Colony, Shivaji Nagar, Pune -  
411 016

3. Joint Director of Higher Education,  
Nagpur Division, Nagpur, Old  
Morris College Building, Near Zero  
Miles, Sitabuldi, Nagpur - 440 001

4. Joint Director of Technical  
Education, Government Polytechnic  
Campus, Mangalwari Bazar Road,  
Sadar, Nagpur - 440 001

5. Rashtrasant Tukadoji Maharaj  
Nagpur University, Jamnalal Bajaj  
Administrative Building, Mahatma  
Jotiba Phule Educational Premises,  
Campus Square to Ambazari T-  
Point Road, Nagpur- 440 033  
through its Registrar.

....RESPONDENTS

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Shri P.B.Patil, Advocate for petitioner.  
Shri H.D.Marathe, AGP for respondent(s)/State.  
Shri S.A. Marathe, Advocate for respondent no. 5.

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**CORAM :**    **ANIL S. KILOR AND**  
                         **RAJNISH R. VYAS, JJ.**

**DATE :** **29/09/2025**

**ORAL JUDGMENT** (PER: ANIL S. KILOR, J.)

Heard both the parties.

2.            The petitioner has approached to this Court by way of this petition raising challenge to the decision of the respondent no. 3 - Joint Director of Higher Education, Nagpur cancelling his decision dated 02/05/2024.

3. The decision dated 02/05/2024 recommends the name of the petitioner for promotion on the post of Senior Professor. Whereas, vide impugned communication dated 14/05/2024, it was informed to the petitioner that, the letter dated 02/05/2024 be treated as cancelled and then he withdraw the benefits of pay protection granted in the year 2009, when the petitioner was appointed in the University as a Reader.

4. Admittedly, the petitioner was working in Sharad Pawar College of Pharmacy, Nagpur during the period from 21/08/1992 to 03/01/2009. However, while appointing the petitioner as a Reader in the University, the University had submitted the proposal for protection of pay of the petitioner which was granted by the Joint Director, Higher Education in the year 2009 itself. Such entry was taken with the signature of the Joint Director, Higher Education in the service book of the petitioner.

5. All this was done in 2009 and 2024 i.e. after 15 years such benefit of pay protection was withdrawn. While

doing so no show cause notice was issued to the petitioner or no opportunity of hearing was granted to the petitioner.

6. The Joint Director while submitting the proposal for grant of approval to the appointment of the petitioner on the post of Senior Professor recorded the findings in favour of the petitioner. He made a specific mention about the earlier service from 21/08/1992 to 03/01/2009 and appointment as Reader in the University. It also speaks about pay protection granted to the petitioner.

7. Thus, considering every fact as regards the past service of the petitioner, a recommendation was made by the Joint Director for grant of approval to the promotion on the post of Senior Professor vide letter dated 02/05/2024.

8. The very same Joint Director then issued the impugned letter dated 14/05/2024 withdrawing the earlier letter dated 02/05/2024 and the benefits of pay protection. This has been done by the Joint Director without following due procedure of law.

9. Moreover, the question arises whether the Joint Director has jurisdiction to review his own order granting pay protection. The answer obviously will be no in absence of any specific provision in this regard.

10. Moreover, the Joint Director before withdrawing the benefits of pay protection ought to have granted hearing to the petitioner by issuing show cause notice, which the respondent no. 3 has failed to comply with and follow the same.

11. In the circumstances, the petition is **allowed** and the order dated 14/05/2024 impugned in the present petition cancelling the communication dated 02/05/2024 and withdrawing the benefits of pay protection granted to the petitioner in 2009 is, hereby quashed and set aside.

12. The University, accordingly, consider the request of the petitioner in respect of withdrawing the proposal for retirement benefits as the petitioner has got superannuated on 31/07/2025.

13. Accordingly, the petition stands **disposed of**.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)

*B.T.Khapekar*