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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.751 OF 2024

Baliram Sakharamji Kadam

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Sunil V. Kurundkar, Advocate for the Petitioner

Mr. M. K. Goyanka, AGP for Respondent - State

Mr. Manish N. Navandar, Advocate for Respondents No. 2 to 4

.....

WITH

WRIT PETITION NO.752 OF 2024

Nivrati Ramrao Gavali

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Sunil V. Kurundkar, Advocate for the Petitioner

Mr. P. K. Lakhotiya, AGP for Respondent - State

Mr. Manish N. Navandar, Advocate for Respondents No. 2 to 4

.....

WITH

WRIT PETITION NO.753 OF 2024

Waman Khobraji Kharate

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Sunil V. Kurundkar, Advocate for the Petitioner

Mr. S. R. Wakale, AGP for Respondent - State

Mr. Manish N. Navandar, Advocate for Respondents No. 2 to 4

.....

**[CORAM : NITIN B. SURYAWANSHI, &
VAISHALI PATIL-JADHAV, J. J.]**

DATE : 6th MAY, 2026

ORDER :

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned Advocates.
2. By these Petitions, the Petitioners have putforth following prayers:

Writ Petition No. 751 of 2024

- “B. By writ of Mandamus or any other writ or directions in like nature the Respondents be directed to refund an amount of Rs.1,55,359/- (Rupees one Lac Fifty Five Thousand Three Hundred Fifty Nine only) with interest within stipulated time frame that this Hon’ble Court may deem fit.
- C. By writ of Certiorari or any other appropriate Writ or direction in like nature, the order dated 02.06.2020 recovering an amount of Rs.20,000/- and order dated 09.07.2020 to the extent of recovery of amount of Rs.1,35,359/- may kindly be quashed and set aside.
- D. By Writ of Certiorari or any other appropriate Writ or direction in like nature, the communication dated 29/30.11.2023 may kindly be quashed and set aside.”

Writ Petition No. 752 of 2024

- “B. By writ of Mandamus or any other writ or directions in like nature the Respondents be directed to refund an amount of Rs.1,39,398/- (Rupees one Lac Thirty Nine Thousand Three Hundred and Ninety Eight only) with interest within stipulated time frame that this Hon’ble Court may deem fit.
- C. By writ of Certiorari or any other appropriate Writ or

direction in like nature, the order dated 19.09.2014 recovering an amount of Rs.6,136/- and order dated 19.09.2015 to recovering of amount of Rs.1,33,262/- may kindly be quashed and set aside.

- D. *By Writ of Certiorari or any other appropriate Writ or direction in like nature, the communication dated 29/30.11.2023 may kindly be quashed and set aside.”*

Writ Petition No. 753 of 2024

- “B. *By writ of Mandamus or any other writ or directions in like nature the Respondents be directed to refund an amount of Rs.67,630/- (Rupees Sixty Seven Thousand Six Hundred Thirty only) with interest within stipulated time frame that this Hon’ble Court may deem fit.*
- C. *By writ of Certiorari or any other appropriate Writ or direction in like nature, the order dated 17.07.2013 recovering an amount of Rs.67,630/- may kindly be quashed and set aside.*
- D. *By Writ of Certiorari or any other appropriate Writ or direction in like nature, the communication dated 29/30.11.2023 may kindly be quashed and set aside.”*

2. Indisputably, the questions raised in these Petitions are squarely covered by the decision of this Court dated 08.01.2020 in Writ Petition No. 4346 of 2017 (*Divakar Kishanrao Kakde V/s The State of Maharashtra and Others*), and judgments of the Supreme Court in “*State of Punjab and Others V/s Rafiq Masih (White Washer) and others, (2015) 4 SCC 334* and “*Jogeshwar Sahoo and Others V/s The District Judge, Cuttack and Others*” in **SLP No. 5918 of 2024.**

3. Learned Advocate for the University has strongly opposed the Petition by relying on the judgment in the case of "**High Court of Punjab and Haryana and others V/s Jagdev Singh**" 2016 (14) SCC 267.

4. It is observed in "**Jogeshwar Sahoo**" (supra) as follows:

"18. It is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law.

(I) Recovery from the employees belonging to class III and Class IV service (or Group C and Group D Service)"

5. Upon hearing both the sides and on going through the record, we are of the view that the case of the Petitioners is squarely covered by the aforesaid decisions relied on by the Petitioners and the decision in **Jagdev Singh** (supra), is not applicable to the facts of the present case. The Writ Petitions are, therefore, allowed in terms of prayer clauses "B", "C" and "D". Rule is made absolute accordingly.

[VAISHALI PATIL-JADHAV]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE