IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7842 OF 2009

Shivdas Tulsiram Barne .....Petitioner

Versus

The State of Maharashtra & Ors. .....Respondents

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Mr. Sugandh Deshmukh a/w Mr. Irvin D'souza & Mr. Aniket Konawade, for the Petitioner.

Mr. S.R.Nargolkar for the Respondent No.4.

Mr. Kedar G. Dighe, Addl.G.P a/w Smt. P.B.Chavhan, A.G.P for the Respondent-State.

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CORAM : M. S. KARNIK &
SANDESH D. PATIL, JJ.

DATE : 8th OCTOBER, 2026

P.C.:-

1. Heard learned Counsel for the petitioner. We have also heard learned A.G.P for the State and learned Counsel for the respondent No.4.

2. On 24th September, 2026, we had passed the following order :

> *"1. Heard learned counsel for the parties.*
>
> *2. So far as the applicability of the Fifth Pay Commission recommendation is concerned, the*

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petitioner's case would be covered by the decision of this Court in Kanishtha Mahavidyalayin Shikshan Annyay Nivaran Kruti Samitee and ors. vs. The State of Maharashtra and anr. decided on 16th September 2026 in Writ Petition No.3900 of 2011.

3. The other relief that is prayed in this writ petition is for granting the petitioner the emoluments equivalent to those of the Deputy Registrar of a Statutory University. It is the contention of the learned counsel for the petitioner that the respondent No.4 – Deccan College was granted the status as a Deemed University in the year 1993. The bye-laws came to be framed. The petitioner was the Registrar of Deccan College. After the status of a Deemed University was granted, the petitioner continued as the Registrar of the Deemed University. Our attention is invited to bye-law No.4 approved by the Department of Higher and Technical Education and Employment, Government of Maharashtra, vide letter dated 21st April 1993 in respect of the Deccan College (Deemed to be University). Bye-Law No.4A(b) provides that the emoluments to be paid to the Registrar should be equivalent to those of the Deputy Registrar of a Statutory University.

4. The petitioner was superannuated on 1st August 1999. The petitioner therefore, for the period from 1993 is the date on which the Deccan College was recognised as a Deemed University to 1st August 1999, claims emoluments equivalent to those of the Deputy Registrar of a Statutory University and consequential retirement benefits based on the revised calculation of the emoluments.

5. Learned Additional Government Pleader submits that the affidavit-in-reply filed by the respondent is silent on this aspect. We are not inclined to grant any further time to the learned Additional Government Pleader considering that this

writ petition is of the year 2009.

6. It is pertinent to note that the Director of Higher Education had on 29th May 2000 recommended the case of the petitioner for the appropriate pay scale which is equivalent to the post of Deputy Registrar of Non-Agricultural Universities. In this view of the matter, in our opinion, nothing further needs to be done and even on this aspect the writ petition deserves to be allowed.

7. Only by way of indulgence and in view of the persuasive submissions made by Mr. Dighe, learned Additional Government Pleader, we are inclined to grant a further period of two weeks as a last opportunity to seek instructions and respond.

8. List the writ petition on 8th October 2026 for further consideration and passing orders."

3. Learned A.G.P submitted that the petitioner is not entitled to benefits because of the financial constraints of the State Government. Similar contention was were raised in Writ Petition No. 3900 of 2011 decided by this Court in the case of the ***Kanishtha Mahavidyalayin Shikshan Annyay Nivaran Kruti Samitee and ors. vs. The State of Maharashtra and anr***. on 16th September 2026. The very same contentions are placed for our consideration by the learned A.G.P in support of the respondent's case.

4. We find that the present case is squarely covered by the decision in ***Kanishtha Mahavidyalayin Shikshan Annyay Nivaran Kruti Samitee (supra).*** Moreover, even the Director of Higher Education had on 29th May, 2000 recommended the case of the petitioner for the appropriate pay scale which is equivalent to the post of Deputy Registrar of Non-Agricultural Universities.

5. The petition is therefore, allowed in terms of prayer clause (A), (A1), (B) to (D).

6. The arrears be paid within a period of six months from today considering that the petitioner is 85 years of age.

7. Petition is accordingly disposed of on the aforesaid terms.

(SANDESH D. PATIL, J.) **(M. S. KARNIK, J.)**