NUTA BULLETIN

OFFICIAL JOURNAL OF NAGPUR UNIVERSITY TEACHERS' ASSOCIATION

Regd. No. MAHBIL/2001/4448: Postal Registration No. ATI/RNP/078/2015-2017

YEAR: 40) 15 th May 2015 (No. of Pages 08) (No: 05

Admittedly, there is no compliance of the order passed by this Court on 21st February, 2014 in Writ petition No. 1129/2014 with connected petitions.

The respondents were supposed to comply with the order within six months from the date of order. However, even after 15 months, the said order is not complied with by the respondents.

Learned AGP, by way of last opportunity, prays for time till 15th June, 2015 to comply with the order.

(See Para 4 of the Judgment)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY APPELLATE SIDE, BENCH ATAURANGABAD

CONT. PETITION NO. 252 OF 2014 IN WP/10346/2013, WITH CP/262/2014 IN WP/641/2014, WITH CP/263/2014 IN WP/6687/2013, WITH CP/264/2014 IN WP/7605/2013, WITH CP/265/2014 IN WP/1129/2014, WITH CP/266/2014 IN WP/642/2014, WITH CP/267/2014 IN WP/7421/2013

SANJAY RATAN KHAIRNAR AND OTHERS VERSUS SANJAYKUMAR AND OTHERS

Advocate for Petitioners : Mr.Pradeep Deshmukh h[f Mr.Deshmukh Yashodeep P. AGP for Respondents/State: Mr.S.K. Kadam. Advocate for Respondents 4,6 to 8: Mr.M.S. Shinde.

CORAM: S.S. SHINDE & P.R. BORA, JJ.: Dated: MAY 05, 2015

Heard.

- (2) Learned Counsel for the petitioners makes an oral prayer to add the present Principal Secretary as party respondent. Prayer granted. Amendment to be carried out forthwith.
 - (3) Issue notice to added respondent. Learned AGP waives service for added respondent.
- (4) Admittedly, there is no compliance of the order passed by this Court on 21st February, 2014 in Writ petition No. 1129/2014 with connected petitions. The respondents were supposed to comply with the order within six months from the date of order. However, even after 15 months, the said order is not complied with by the respondents. Learned AGP, by way of last opportunity, prays for time till 15th June, 2015 to comply with the order.
- (5) List on 16th June, 2015. We make it clear that in case the said order is not complied with on or before 15th June, 2015, this Court will have no option but to initiate contempt proceedings against the concerned respondents.

(P.R. BORA, J)

(S.S. SHINDE, J)

We make it clear that in case the said order is not complied with on or before 15th June, 2015, this Court will have no option but to initiate contempt proceedings against the concerned respondents.

(See Para 5 of the Judgment)

अवमान याचिका निकाली निघतांना दक्षतापूर्वक लक्ष ठेवण्याची गरज

महाराष्ट्र प्राध्यापक महासंघाच्या अध्यक्ष व सचिवांचे पत्रक दिनांक : ७ मे २०१५

- (१) अवमान याचिकांची एक मोठी साखळी बांधण्याच्या कामाला नेट-सेट मुक्त शिक्षकांच्या प्रश्नासंदर्भात सुरुवात करावी लागेल असे स्पष्टपणे दिसुन येत आहे. सन २०१४ च्या अवमान याचिका क्रमांक २५२ मध्ये मा. मुंबई उच्च न्यायालयाच्या औरंगाबाद खंडपीठाने दिनांक ५ मे २०१५ रोजी एक अतिशय महत्त्वपूर्ण निर्णय दिलेला आहे. मा. औरंगाबाद खंडपीठाने सन २०१४ च्या याचिका क्रमांक ११२९ मध्ये नेट-सेट मुक्त शिक्षकांच्या बाबतीत दिनांक २१ फेब्रुवारी २०१४ रोजी निर्णय (मूळ निर्णय) दिलेला होता. त्या निर्णयाची अंमलबजावणी न झाल्यामुळे ही अवमान याचिका दाखल झालेली आहे. या मुळ निर्णयाच्या परिच्छेद ५ मध्ये पुढील प्रमाणे आदेशित करण्यात आले होते. :-"In view of the notifications dated 2.6.2009, 22.3.2010, 23.3.2010, 26.3.2010 and 26.8.2011, respectively, issued by the University Grants Commission, petitioners, who have not passed NET/SET examination but who have completed six years of service as on the date, should be entitled to the benefits of Career Advancement Scheme only for the purpose of pay scales." मूळ निर्णयाच्या परिच्छेद ६ मध्ये मा. उच्च न्यायालयाने असेही आदेशित केले होते की :- "The Respondents shall release monetary benefits accruable to the petitioners in terms of above, as expeditiously as possible, preferably within a period of twelve weeks from today." अवमान याचिकेवर मा. खंडपीठाने दिनांक ५ मे रोजी दिलेल्या या निर्णयात असेही नमूद करण्यात आले आहे की :- "Admittedly, there is no compliance of the order passed by this Court on 21st February, 2014 in Writ petition No. 1129/2014 with connected petitions. The respondents were supposed to comply with the order within six months from the date of order. However, even after 15 months, the said order is not complied with by the respondents. Learned AGP, by way of last opportunity, prays for time till 15th June, 2015 to comply with the order."
- (२) २१ फेब्रुवारी २०१४ रोजी सन २०१४ च्या याचिका क्रमांक ११२९ मध्ये मा. उच्च न्यायालयाने दिलेला हा मूळ निर्णय या याचिकेसोबतच इतरही अनेक याचिकांबाबत एकत्रितरित्या दिलेला निर्णय होता. या निर्णयात असलेल्या सर्व याचिका पुढील प्रमाणे :- (1) W. P. NO.1129 OF 2014 Dr. Suresh Bhaskar Dhake & ors. (2) W. P. NO.10370 OF 2013 Rajendra Rakhamaji Dandwate & ors. (3)W. P. NO.1556 OF 2014 Bipinchandra Narayan Shinde and anr. (4) W. P. NO.7605 OF 2013 Raju Sitaram Pawar & ors. (5) W. P. NO.1547 OF 2014 Anil Narayanrao Kalyankar & ors. (6) W. P. NO.1531 OF 2014 Dayanand Ramrao Mane & ors. (7) W. P. NO.1472 OF 2014 Sanjeev Machindra Reddy & ors. (8) W. P. NO. 1484 OF 2014 Sanjay Nivratirao Kadam & ors. (9) W. P. NO.10346 OF 2013 Sanjay Ratan Khairnar & ors. या सर्वच प्रकरणात सचिव उच्च शिक्षण, संचालक उच्च शिक्षण, सहसंचालक हे राज्यशासनाच्या वतीने प्रतिवादी होते. या ९ प्रकरणामध्ये एकत्रितरित्या हा निर्णय झाला. त्यामध्ये एकुण ४०० च्या जवळपास शिक्षक याचिकाकर्ते होते.
- (३) मा. उच्च न्यायालयाच्या मूळ निर्णयाच्या परिच्छेद २ मध्ये स्पष्टपणे पुढील प्रमाणे उल्लेख आहे. :- "Perused the order passed by the Supreme Court in Special Leave to Appeal (Civil) No.34118 of 2013, dated 18.11.2013." मा. सर्वोच्च न्यायालयाने दिनांक १८ नोव्हेंबर २०१३ रोजी पारित केलेल्या आदेशाचे अवलोकन केल्यानंतरच मा.उच्च न्यायालयाने हे आदेश पारित केलेले होते. मा. सर्वोच्च न्यायालयाच्या त्या निर्णयामध्ये "We are of the view that following the UGC Notification/Letter dated 4.11.2008, those teachers who

- have not passed NET/SET examination but who have completed six years of service as on that date should be entitled to the benefits of career advancement scheme only for the purpose of pay-scales. According to us such an interim order for that limited purpose will meet ends of justice." असे स्पष्टपणे नमूद होते. त्यानंतर मा. उच्च न्यायालयाने "The Respondents shall release monetary benefits accruable to the petitioners in terms of above, as expeditiously as possible, preferably within a period of twelve weeks from today." असे स्पष्ट आदेश दिले.
- (४) महाराष्ट्र शासनाने दिनांक ११ नोव्हेंबर २०१४ रोजी एक आदेश काढ़न संचालक उच्च शिक्षण व सर्व सहसंचालकांना असे कळविले आहे की :-"मा. सर्वोच्च न्यायालयाचे दि.१८/११/२०१३ चे आदेश अद्याप कायम आहेत. तसेच मा. उच्च न्यायालयाच्या उक्त दि.११ एप्रिल, दि.०६ मे व दि.०७ मे. २०१४ रोजीच्या आदेशास कोणतीही स्थिगिती देण्यात आलेली नाही. मा. उच्च न्यायालयाच्या अथवा मा. सर्वोच्च न्यायालयाच्या आदेशास स्थिगिती देण्यात आलेली नसेल तर त्यांची विहीत मुदतीत अंमलबजावणी करणे अनिवार्य आहे." या ठिकाणी हे स्पष्टपणे समजून घेतले पाहिजे की विशिष्ट कारणासाठी दिनांक ९ ऑगस्ट २०१३ रोजी सन २०१० च्या याचिका क्रमांक ११४७७ या प्रकरणामध्ये दिलेल्या मा. उच्च न्यायालयाच्या औरंगाबाद खंडपीठाच्या एका निर्णयाला मा. सर्वोच्च न्यायालयाने स्थगिती दिलेली आहे. मा. उच्च न्यायालयाच्या इतर कोणत्याही निर्णयाला स्थगिती देण्यात आलेली नाही व त्यामुळे त्या सर्व निर्णयांची अंमलबजावणी विहित मुदतीत करणे आवश्यक आहे. शासनाने ११ नोव्हेंबर २०१४ च्या त्याच आदेशाच्या परिच्छेद २ मध्ये पुढे असेही कळविलेले आहे की "२. वर नमूद केलेली वस्तुस्थिती विचारात घेता उक्त याचिकामध्ये मा. उच्च न्यायालयाने दिलेल्या आदेशानूसार याचिकाकर्त्यांना विशेष अनुमती याचिका क्र. ३४९९८/२०९३ मध्ये मा. सर्वोच्च न्यायालयाने दिलेल्या आदेशाच्या अधीन राहुन CAS चे लाभ अनुज्ञेय करण्यात यावेत."
- (५) (अ) आयुर्वेद महाविद्यालयातील "शिक्षकांना पेन्शन योजना लागू न करण्याचा निर्णय" मंत्रिमंडळाने घेतला होता. डॉ.श्रीहरी शंकर वैद्य विरूद्ध महाराष्ट्र सरकार या प्रकरणात (सन १९९२ ची याचिका क्रमांक ३५०८) मा. उच्च न्यायालयाच्या मुंबई खंडपीठाने दिनांक १४ जून १९९६ रोजी राज्यशासनाचा हा निर्णय घटनेच्या कलम १४ व १६ चा भंग करणारा आहे म्हणून रद्दबादल (SET ASIDE) ठरविला होता. त्या निर्णयावर महाराष्ट्र शासनाने सर्वोच्च न्यायालयात अपील दाखल केले. या अपिलाची सुनावणी होत असतांना राज्य शासनाच्या वतीने सर्वोच्च न्यायालयात असे सांगण्यात आले की "राज्य शासनाची आर्थिक परिस्थिती ठीक नसल्यामुळे आम्ही टप्प्याटप्प्याने ही योजना लागू करीत आहोत." पण त्याप्रमाणे शासनाने केले मात्र काहीच नाही. दिनांक ९ जानेवारी १९८६ पासून तर २६ जूलै २००१ पर्यंतच्या काळात २७ वेळा हा प्रश्न विधानपरिषदेत चर्चेला आला. त्यातील ९ प्रसंगी पूर्णपणे सकारात्मक, काटेकोर व मुदतबंद आश्वासने शासनातर्फे देण्यात आली पण शासनाने केले मात्र काहीच नाही. त्यामुळे प्रकरण पुन्हा न्यायालयात गेले.
- (ब) मा. उच्च न्यायालयाच्या नागपूर खंडपीठाने त्यानंतर दिनांक १० जून २०१३ रोजी दिलेल्या निर्णयात (W.P. No. 5771 of 2011) पुढील प्रमाणे आदेश दिले. :- "The monthly pension due to them from 1.1.2014 shall be released regularly along with others. Any default or delay in payment after stipulated period shall attract interest as per prevailing policy of the State Government." (P21 NB14) शासनाने लगेच सर्वोच्च न्यायालयात विशेष अपिलाची परवानगी मागण्यासाठी याचिका दाखल केली. मा. सर्वोच्च न्यायालयाने ती याचिका दिनांक १० जानेवारी २०१४ रोजी '**डिसमिस**' केली.
- (क) तरीही शासननिर्णय निघाला नाही. शेवटी याचिकाकर्त्यांना मा. नागपूर खंडपीठासमोर सन २०१४ ची अवमान याचिका क्रमांक १०२ दाखल करावी

लागली. सुरुवातीच्या तारखांमध्ये काहीही प्रगती झाली नाही. शेवटी मा. उच्च न्यायालयाने २० जानेवारी २०१५ ही शेवटची तारीख म्हणून दिली. त्या दिवशीच्या मा. उच्च न्यायालयाच्या कामकाजातील पहिला परिच्छेद पुढीलप्रमाणे :- "Learned Assistant Government Pleader has produced before this Court Government Resolution dated 17.1.2015 extending pension and DCRG Scheme to the teaching and nonteaching staff of aided Private Ayurvedic and Unani Colleges and Hospitals. It is taken on record and marked as Exh.X for its identification." (P28 NB15)

- (इ) मुळात अवमान याचिका दाखल झाल्यामुळे व शेवटची तारीख म्हणून २० जानेवारी २०१५ मा. उच्च न्यायालयात दिली गेल्यामुळे शासनाने १७ जानेवारी २०१५ रोजी शासन निर्णय काढला व तो मा. उच्च न्यायालयात दाखल केला व अवमान याचिका निकाली निघाली. "१ जानेवारी २०१४ पासून प्रत्येक लाभधारकाला मासिक सेवानिवृत्ती वेतन सुरु झाले पाहिजे" हा खरे म्हणजे न्यायालयाचा मुख्य निर्णय आहे. १० जून २०१३ रोजी मा. उच्च न्यायालयाने हा आदेश दिला होता. या गोष्टीला आता २ वर्षे पूर्ण होत आहेत. पण एकाही लाभधारकाला निवृत्तीवेतन आजपर्यंत सुरु झालेले नाही व व्याजासह थकवाकीसुद्धा न्यायालयाचे आदेश असूनही मिळालेली नाही. या दोन गोष्टींसाठी अवमान याचिका पुन्हा दाखल करावी लागेल असे स्पष्ट दिसत आहे.
- (६) (अ) आयुर्वेद महाविद्यालयातील शिक्षकांबाबत घडलेला प्रकार हुबेहुब जसाच्या तसा समाजकार्य महाविद्यालयातील शिक्षकांबाबत घडला. समाजकार्य महाविद्यालयातील "शिक्षकांना पेन्शन योजना लागू न करण्याचा निर्णय" मंत्रिमंडळाने ८ जुलै १९९८ च्या बैठकीत घेतला होता. राज्यशासनाचा हा निर्णय घटनेच्या कलम १४ चा भंग करणारा आहे म्हणून मा. मुंबई उच्च न्यायालयाने १८ जानेवारी २००० रोजी रह्बादल (SET ASIDE) ठरविला. तर राज्य मंत्रिमंडळाने पून्हा ११ जुलै २००१ रोजीच्या बैठकीत "या शिक्षकांना पेन्शन योजना लागू न करण्याचा निर्णय घेतला" हे एक अत्यंत लांछनास्पद असे घटनाबाह्य वर्तन होते. मा. उच्च न्यायालयाने पुन्हा दिनांक १० जून २०१३ रोजी दिलेल्या निर्णयात (W.P. No. 682 of 2012) पुढील प्रमाणे आदेश दिले. :- "The monthly pension due to them from 1.1.2014 shall be released regularly along with others. Any default or delay in payment after stipulated period shall attract interest as per prevailing policy of the State Government." (P21 NB14)
- (ब) तरीही शासननिर्णय निघाला नाही. शेवटी याचिकाकर्त्यांना मा. नागपूर खंडपीठासमोर सन २०१४ ची अवमान याचिका क्रमांक ९५ दाखल करावी लागली. सुरुवातीच्या तारखांमध्ये काही फारशी प्रगती झाली नाही. शेवटी १२ नोव्हेंबर २०१४ रोजीच्या झालेल्या मा. उच्च न्यायालयाच्या कामकाजातील पहिला परिच्छेद पुढीलप्रमाणे :-
- "1. Learned Assistant Government Pleader has, during the course of argument, produced before us Government Resolution dated 29th October 2014. Same is taken on record and marked X for identification. He has given copy of said Government Resolution to learned counsel for petitioner also. Learned AGP submits that judgment rendered by this Court in WP No. 682 of 2012 and confirmed in appeal by the Supreme Court, has been implemented." (P64 NB15)
- (क) मुळात अवमान याचिका दाखल झाल्यामुळे शासनाने २९ ऑक्टोबर २०१४ रोजी शासन निर्णय काढला व तो मा. उच्च न्यायालयात १२ नोव्हेंबर २०१४ रोजी दाखल केला व अवमान याचिका निकाली निघाली. "९ जानेवारी २०१४ पासून प्रत्येक लाभधारकाला मासिक सेवानिवृत्ती वेतन सुरु झाले पाहिजे" हा खरे म्हणजे न्यायालयाचा मुख्य निर्णय आहे. १० जून २०१३ रोजी मा. उच्च न्यायालयाने हा आदेश दिला होता. या गोष्टीला आता २ वर्षे पूर्ण होत आहेत. पण एकाही लाभधारकाला निवृत्तीवेतन आजपर्यंत सुरु झालेले नाही व व्याजासह थकवाकीसुद्धा न्यायालयाचे आदेश असूनही मिळालेली नाही. या दोन गोष्टींसाठी अवमान याचिका पुन्हा दाखल करावी लागेल असे स्पष्ट दिसत आहे.
- (७) मा. सर्वोच्च न्यायालयाच्या १८ नोव्हेंबर २०१३ च्या अंतरिम आदेशातील "who have not passed NET/SET examination but who have completed six years of service as on the date,

should be entitled to the benefits of Career Advancement Scheme only for the purpose of pay scales." ही शब्दरचना किंवा सर्वोच्च न्यायालयाच्या आदेशाच्या अवलोकनोत्तर मा.उच्च न्यायालयाच्या औरंगाबाद खंडपीठाने सन २०१४ च्या याचिका क्रमांक १९२९ मध्ये दिनांक २१ फेब्रुवारी २०१४ रोजी दिलेल्या निर्णयात वापरलेली "The Respondents shall release monetary benefits accruable to the petitioners" ही शब्दरचना लक्षात घेतली म्हणजे त्यातून दोन निष्कर्ष स्पष्ट निघतात. ते म्हणजे (१) मा. न्यायालयाने ठरवून दिलेल्या मुदतीत CAS चे लाभ देऊन त्याप्रमाणे पूनर्निश्चित झालेले वेतन लागू करणे, म्हणजेच ते प्रत्यक्षात सुरु होणे व (२) नेमणूकीच्या दिनांकापासून असे वेतन सुरु झाल्याच्या दिनांकापर्यंत CAS लागू केल्यामुळे होणारी थकबाकी त्याच मुदतीच्या आत अदा होणे.

- (८) खरे म्हणजे अवमान याचिकेच्या सुनावणीत असा मुद्दा उपस्थित करता येत नाही. मा. न्यायालयाच्या निर्णयाची अंमलबजावणी झाली किंवा नाही एवढाच मुद्दा असतो. तरीही थकबाकी (Monetary Benefits Accruable) अदा करण्याच्या प्रश्नाबाबत शासनातर्फे आर्थिक भाराचा मुद्दा एखाद्यावेळी उपस्थित केला जाईल. तेव्हा हे सर्व शिक्षक सन १९९१ ते २००० या काळात नेमल्या गेलेले शिक्षक आहेत. (१) १ जानेवारी १९९६ ते ३१ मार्च २००० या काळातील वाढीव वेतन खर्चांपैकी ८० टक्के रक्कम केंद्र शासनाने देण्याचे मान्य केले असून तसा स्पष्ट उल्लेख ११ डिसेंबर १९९९ च्या शासन निर्णयाच्या (GOVERNMENT OF MAHARASHTRA Higher & Teachnical Education Department, Resolution No.NGC-1298/(4619)/UNI.4, Mantralaya Annexe, Mumbai-400 032 Dated: 11th December, 1999.) परिच्छेद ३१ मध्ये आहे. त्याचप्रमाणे (२) १ जानेवारी २००६ ते ३१ मार्च २०१० या काळातील वाढीव वेतन खर्चांपैकी ८० टक्के रक्कम केंद्र शासनाने देण्याचे मान्य केले असून तसा स्पष्ट उल्लेख १२ ऑगस्ट २००९ च्या शासन निर्णयाच्या (GOVERNMENT OF MAHARASHTRA Higher& Teachnical Education Department, Resolution No.NGC-2009/(243/09)/ UNI.1, Mantralaya Annexe, Mumbai-400 032 Dated: 12th August, 2009.) परिच्छेद १२ मध्ये आहे. ही बाब मा.खंडपीठाच्या लक्षात आणुन द्यावी.
- (९) वेतनाच्या व वेतन श्रेणीच्या प्रयोजनार्थ CAS चे लाभ अदा करण्याच्या मा. न्यायालयाच्या आदेशाची पूर्तता उपरोक्त दोन अटींची पूर्तता केल्यानंतरच होऊ शकते. काहीतरी एखादे परिपत्रक, सिचवांनी संचालकांना किंवा संचालकांनी सहसंचालकांना लिहिलेले एखादे पत्र किंवा एखादा नवा-जुना शासनिर्णय मा.न्यायालयासमोर ठेऊन अवमान याचिका निकाली काढण्याचा प्रयत्न शासनाकडून हमखासपणे होऊ शकतो, तेव्हा अशा प्रयत्नांपासून सर्व संबंधित याचिकाकर्त्यांनी, संघटनेच्या पदाधिकाऱ्यांनी सावध राहण्याची गरज आहे. अवमान याचिकेवावत नुसते एखादे परिपत्रक, पत्र, निर्णय समोर ठेऊन याचिका निकाली काढण्याचा शासनातर्फ प्रयत्न झाल्यास, त्याचवेळी कोणत्या महिन्यापासून पूनर्निश्चित वेतनाप्रमाणे वित्तलब्धी अदा केल्या जाईल? व कोणत्या तारखेपर्यंत थकवाकी (Monetary Benefits Accruable) अदा केली जाईल याच्या तारखा मा. न्यायालयाच्या कार्यवृत्तामध्ये नोंद केल्या जाव्यात असा आग्रह धरावा किंवा तोपर्यंत ती अवमान याचिका प्रलंबित ठेवावी, निकाली काढू नये अशी मा. न्यायालयाला विनंती करावी. गरज पडल्यास आयुर्वेद व समाजकार्य महाविद्यालयाचे उदाहरण द्यावे.
- (१०) आयुर्वेद व समाजकार्य महाविद्यालयाच्या बाबतीत केवळ शासनिर्णय दाखल करून अवमान याचिकेतून अधिकाऱ्यांनी आपली सुटका करून घेतली व आता त्या दोनही विभागामध्ये 'जुने धंदे' सुरु झालेले आहेत. आमच्या भोवती चकरा मारा, हे कागद आणा, त्यांना भेटायला पाठवा, हे इतक्या लवकर होत असते काय? आम्हाला सर्व पहावे लागेल. हा पारंपारिक कार्यक्रम सुरु झालेला आहे. ती पाळी नेट-सेट मुक्त शिक्षकांच्या बाबतीत येणार नाही याची काळजी घेणे आवश्यक आहे असे महासंघाला वाटते व म्हणूनच तातडीने हे पत्रक प्रसिध्द करीत आहोत. उपरोक्त परिच्छेद ८ व ९ च्या काळजीपूर्वक वाचनानंतर त्यात अंतर्भूत सूचनांचे काटेकोरपणे पालन करावे अशी विनंती आहे.

(प्रा. ए. टी. सानप) (डॉ. तापती मुखोपाध्याय) अध्यक्ष सचिव MAHARASHTRA FEDERATION OF UNIVERSITY & COLLEGE

TEACHERS' ORGANISATIONS

(MFUCTO)

शासकीय तंत्र निकेतनांतील ६२ कंत्राटी अधिव्याख्यात्यांच्या सेवा नियमित करण्यावावत....

महाराष्ट्र शासन : उच्च व तंत्र शिक्षण विभाग

शासन निर्णय क्रमांक :-

न्यायाप्र-२०१०/प्र. क्र.११०/२०१० (ब)/तांशि-७ मंत्रालय विस्तार भवन, मुंबई ४०० ०३२ **दिनांक : १४/०१/२०१५**

पहा : (१) मा. सर्वोच्च न्यायालय नवी दिल्ली येथील विशेष अनुमती याचिका क्र. ३९०१४/२०१३ च्या अनुषंगाने दि. ०६/०१/२०१५ रोजीचे आदेश.

(२) मा. उच्च न्यायालय, नागपूर खंडपीठ येथे दाखल झालेल्या रिट पिटीशन क्र. २०४६/२०१० च्या अनुषंगाने मा. उच्च न्यायालयाचे दिनांक १९/१०/२०१३ चे आदेश

पार्श्वभमी :-

शासकीय तंत्रनिकेतनातील कंत्राटी तत्त्वावर नियुक्ती केलेल्या अधिव्याख्यात्यांपैकी ९१ अधिव्याख्यात्यांनी त्यांच्या सेवा नियमित करण्यासंबंधी मा. उच्च न्यायालय, मुंबई खंडपीठ नागपूर येथे सन २०१० मध्ये रिट याचिका क्र. २०४६/२०१० दाखल केली होती. या न्यायालयीन प्रकरणी मा. उच्च न्यायालयाने दि. १९.१०.२०१३ रोजी सदर याचिकेवर पुढील प्रमाणे निकाल दिला आहे.

The respondent are directed to regularize the services of such of the petitioners and confer permanency on such petitioners who have completed three years service with technical breaks. The respondent shall absorb the petitioners within a period of six weeks. Needless to state that the petitioners who are in continuous employment till 15.10.2013 shall be continued in service as regular employees.

However, in the facts and circumstances of the case, we direct that the petitioners shall be entitled to regular salary from 1st November, 2013 and would not be entitled to claim any monetary benefits for the past services rendered by them inspite of their regularization. Needless to state that since the petitioners services are regularized, they shall be entitled to the continuity in service for all other purposes except monetary purpose from the date of their first appointment.

सदर आदेशाविरूध्द शासनाच्या वतीने मा. सर्वोच्च न्यायालय, नवी दिल्ली येथे विशेष अनुमती याचिका क्र. SLP (Civil) - ३९०१४/२०१३ दि. ३०.११.२०१३ रोजी दाखल करण्यात आली होती.

मा. उच्च न्यायालय, नागपूर खंडपीठ यांनी या प्रकरणी दिनांक १९/१०/ २०१३ रोजी दिलेल्या आदेशान्वये मा. सर्वोच्च न्यायालयात दाखल केलेली विशेष अनुमती याचिका मा. सर्वोच्च न्यायालयाने खारीज केलेली असल्याने मा. उच्च न्यायालयाच्या दिनांक १९/१०/२०१३ चे आदेश विचारात घेऊन आवश्यक ती कार्यवाही करण्याची बाब शासनाच्या विचाराधिन होती. यावर दि. १३/०१/ २०१५ रोजी झालेल्या मंत्रिमंडळ बैठकीत मा. उच्च न्यायालयाच्या आदेशाप्रमाणे कार्यवाही करण्याचा निर्णय झाला आहे.

शासन निर्णय :-

शासकीय तंत्र निकेतनांमध्ये कंत्राटी स्वरूपात कार्यरत असलेल्या ९९ अधिव्याख्यात्यांनी त्यांच्या सेवा नियमित करण्याबाबत मा. उच्च न्यायालयात दाखल केलेल्या रिट पिटीशन क्र. २०४६/२०९० च्या अनुषंगाने मा. उच्च न्यायालयाने दि. १९/१०/२०९३ रोजी दिलेल्या आदेशांविरूध्द मा. सर्वोच्च न्यायालयात दाखल करण्यात आलेली विशेष अनुमती याचिका मा. सर्वोच्च न्यायालयाने खारीज केली असल्याने आता मा. उच्च न्यायालयात दाखल केलेली रिट पिटीशन क्र. २०४६/२०९० च्या अनुषंगाने मा. उच्च न्यायालयाने दि. १९/१०/२०९३ रोजी दिलेल्या आदेशानुसार सोवत जोडलेल्या विवरणपत्राप्रमाणे ६२ कंत्राटी अधिव्याख्यात्यांच्या सेवा खालील प्रमाणे नियमित करण्यात येत आहेत.

- ६२ कंत्राटी अधिव्याख्यात्यांना त्यांच्या प्रथम कंत्राटी नियुक्तीच्या दिनांकापासून सेवा नियमित करुन त्यांना सेवेत कायम करण्यात येत आहे.
- (१) त्यांच्या सेवा नियमित केलेल्या दिनांकापासून सर्व सेवा विषयक लाभ मंजूर करण्यात येत आहेत.
- (२) सेवा नियमित केल्यामुळे दि. ०९/९९/२०९३ पूर्वीचे कोणत्याही प्रकारचे Monetary Benefits (आर्थिक लाभ) संबंधितांना अनुज्ञेय राहणार नाहीत.
- (३) दि. ०९/९९/२०९३ पासून त्यांना नियमित वेतन व नियमानुसार अनुज्ञेय असलेले भत्ते देय राहतील.
 - (४) या अधिव्याख्यात्यांच्या सेवा त्यांच्या प्रथम कंत्राटी नियुक्तीच्या दिनांकापासून

नियमित करण्याचे प्रस्ताव असल्याने त्यांना परिविक्षा कालावधी लागू राहणार नाही.

- (५) या कंत्राटी अधिव्याख्यात्यांना दि. ०१/११/२०१३ पासून आर्थिक लाभ अनुज्ञेय करण्यात आले असल्याने, सर्व अधिव्याख्यात्यांना नवीन राष्ट्रीय निवृत्ती वेतन योजना लागू राहील. यास अनुसरून दि. ०१/११/२०१३ नियमानुसार वर्गणी जमा करुन घेण्यात यावी.
- ०२. सदरच्या ६२ अधिव्याख्यात्यांच्या पदस्थापनेचे आदेश स्वतंत्रपणे निर्गमित करण्यात येतील.
- ०३. सदर शासन निर्णय मंत्रीमंडळाच्या दि. १३/०१/२०१५ रोजीच्या बैठकीत घेण्यात आलेल्या निर्णयानुसार व वित्त विभागाच्या अनौपचारिक संदर्भ क्रमांक ०४/२०१५ नुसार दिलेल्या मान्यतेअंती निर्गमित करण्यात येत आहे.

सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१५०१९४९८२८१९७००८ असा आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

Vijaykumar Bhaskar Sonavane (वि. भा. सोनवणे) कार्यासन अधिकारी, महाराष्ट्र शासन

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

CP No. 95 of 2014

Action Group and ors v. J S. Saharia and ors Mr R. D. Dhande, Adv for petitioner Mr T. R. Kankale, AGP for respdts

CORÂM : A. B. CHAUDHARI AND P. R. BORA, JJ DATED : 12th NOVEMBER 2014

- 1. Learned Assistant Government Pleader has, during the course of argument, produced before us **Government Resolution dated 29th October 2014.** Same is taken on record and marked "X" for identification.He has given copy of said Government Resolution to learned counsel for petitioner also. Learned AGP submits that judgment rendered by this Court in WP No. 682 of 2012 and confirmed in appeal by the Supreme Court, **has been implemented.**
- 2. Learned counsel for petitioner submits that the period within which payment was to be made as directed in the judgment of this Court, is already over and, therefore, respondents are liable to pay interest to the petitioners.
- 3. Per contra, learned AGP states that direction about interest is already contained in the judgment itself and therefore, for the present, grievance about it cannot be made particularly, because the State Government has now accepted the judgment made by this Court and issued the said Government Resolution accordingly.
- 4. In view of the above, according to us, it is not necessary to continue with the present contempt petition and in so far as question of interest is concerned, petitioners are obviously at liberty to take suitable steps to enforce the judgment of this Court, as may be advised. In the circumstances, we make the following order.
- 5. **Contempt petition is disposed** of and proceedings of contempt are dropped. No order as to costs.

JUDGE

JUDGE

समानकार्य महाविद्यालयातील शिक्षक

अवमान याचिकेमुळे समाजकार्य महाविद्यालयातील प्राध्यापकांना सेवानिवृत्ती योजना लागू करण्याचा शासन निर्णय काढून तो न्यायालयासमोर शासनाला सादर करावा लागला. दिनांक १२ नोव्हेंबर २०१४ रोजी मा. उच्च न्यायालयात झालेले कामकाज उपरोक्त प्रमाणे माहितीसाठी प्रसृत.

- **डॉ. अनिल ढगे** सचिव, 'नुटा'

10% increase in pension / familypension to Pensioners and Familypensioners aged 80 years and above, from 1st April, 2014. Procedure to be followed in cases of non-availability of proof of age of family pensioner.

GOVERNMENT OF MAHARASHTRA: FINANCE DEPARTMENT

Government Circular No.: PEN 1014/C.R.26/SER-4 : Hutatma Rajguru Chowk, Madam Cama Road Mantralaya, Mumbai 400 032. : Date:23rd March, 2015.

Read: - (1) Government Resolution Finance Department, No. PEN 1014/C.R.26/SER-4, dt.09.06.2014.

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

WRIT PETITION NO. 3826 OF 2014

(1) Dr. Jagannath Tulshiram Makode, aged about 56 years, Occupation -Service, r/o c/o Shri Shivaji College of Arts, Commerce and Science, Near Shivaji Park, Akot Road, Akola. (2) Dr. Rekha Ajabrao Lande, aged about 55 years, Occupation - Service, r/o c/o Shri Shivaji College of Arts, Commerce and Science, Near Shivaji Park, Akot Road, Akola. (3) Dr. Mohammad Musaddiq M. Salik, aged about 57 years, Occupation – Service, r/o c/o Shri Shivaji College of Arts, Commerce and Science, Near Shivaji Park, Akot Road, Akola. (4) Dr. Jyoti Panjabrao Mankar, aged about 58 yrs., Occupation – Service, r/o c/o Shri Shivaji College of Arts, Commerce and Science, Near Shivaji Park, Akot Road, Akola. (5) Dr. Zia-ul-Hasan Khan S/o. Ghulam Jafar Khan, aged about 58 years, Occupation – Service, r/o c/o Shri Shivaji College of Arts, Commerce and Science, Near Shivaji Park, Akot Road, Akola. (6) Dr. Shirish Panjabrao Deshmukh, aged about 55 years, Occupation – Service, r/o c/o Shri Shivaji College of Arts, Commerce and Science, Near Shivaji Park, Akot Road, Akola. (7) Dr. Sahadeo Pandurang Rothe, aged about 57 years, Occupation – Service, r/o c/o Shri Shivaji College of Arts, Commerce and Science, Near Shivaji Park, Akot Road, Akola. (8) Dr. Sukhadeo Kacharu Bhagat, aged about 58 years, Occupation - Service, r/o c/o Shri Shivaji College of Arts, Commerce and Science, Near Shivaji Park, Akot Road, Akola. (9) Dr. Subhash Shenphad Suradkar, aged about 55 years, Occupation – Service, r/o c/o Shri Shivaji College of Arts, Commerce and Science, Near Shivaji Park, Akot Road, Akola. (10) Dr. Anil Marotrao Raut, aged about 56 years, Occupation – Service, r/o c/o Shri Shivaji College of Arts, Commerce and Science, Near Shivaji Park, Akot Road, Akola. (11) Dr. Israr Ahmad Raja, aged about 58 years, Occupation – Service, r/o c/o Shri Shivaji College of Arts, Commerce and Science, Near Shivaji Park, Akot Road, Akola....PETITIONERS.VERSUS (1) The State of Maharashtra, Through Principal Secretary, Higher and Technical Education Department, Mantralaya, Mumbai 32. (2) Joint Director of Higher Education, Amravati Division, Amravati. (3) Sant Gadge Baba Amravati University, through its Registrar, having Office at Amravati. (4) Shivaji College of Arts, Commerce & Science, Akola, through its Principal, Akola... RESPONDENTS.

- (1) Leave to correct. Heard.
- (2) Rule. Rule made returnable forthwith. By consent of the parties, the petition is taken up for hearing finally.
- (3) The facts in the present case, are identical with the facts in the case of Sudamrao Keshawrao Aher & others .vs. The State of Maharashtra & others reported in 2014(1) ALL MR 697: (Writ Petition Nos. 10283/12 decided by High Court of Bombay, Bench at Aurangabad on 21st November, 2013) and in W.P. No.4628 of 2013 (Dr.Shripad Anandrao Sonegaonkar vs. State of Maharashtra and others) decided by this Court on 27.1.2014.
- (4) In that view of the matter, the respondents are directed to compute the amounts payable to the petitioners in accordance with the Judgment and order passed by the Division Bench of Aurangabad Bench in W.P. No. 10283 of 2012 and another and release the said amount to the petitioners. The same shall be done within a period of two months.
- (5) Rule is made absolute in the aforesaid terms. No order as to costs.

JUDGE JUDGE

सन २००६ पूर्वी पी.एचडी. प्राप्त सेवाज्येष्ठ शिक्षकांना सेवा-कनिष्ठ शिक्षकांपेक्षा कमी वेतन मिळणे : ४

PR :- (1) P16 NB14 (2) P151 NB14 (3) P4 NB15 (4) P65 NB15

CIRCULAR

Government has increased the pension / family pension by 10% of the pensioners / family pensioners whose age is 80 years and above, w.e.f. dt.01.04.2014 vide GR dt.09.06.2014 referred above.

- 2. In cases where the family pensioner does not have a valid certificate of date of birth which is necessary for getting the benefit of enhanced pension, the following procedure shall be followed:
- (1) The Pay & Accounts Officer (PAO) / District Treasury Officer (DTO) will send a formal intimation to the family pensioner to submit the birth certificate or any other authentic document in which the date of birth of the family pensioner is recorded such as Aadhar card or PAN card.
- (2) In case the Aadhar card does not show the complete date of birth and shows only the year of birth, in such cases, the date of birth shall be deemed to be the 01st January of the year of birth. For example, if the Aadhar card of the the family pensioner shows that the year of birth is 1924, then the date of birth shall be 1st January, 1924.
- (3) In exceptional cases, where the family pensioner does not have any Aadhar card or PAN card, then he/she will have to obtain a certificate of age from the District Civil Surgeon of the District in which he/she ordinarily resides. In such cases also, the family pensioner shall be deemed to be have completed those many years on the 01st January of the year of certification. For example, if the certificate of the District Civil Surgeon says that the age of family pensioner is 70 years on 15th Dec, 2014, then the pensioner is deemed to have completed 70 years of age as on 1st January, 2014 and the date of birth of that family pensioner will be 1st January, 1944. In these cases, the family pensioner should also submit the birth certificates of his/her children along with District Civil Surgeon's Certificate to the PAO / DTO. The concerned PAO / DTO shall verify that the difference in the age of family pensioner (as certified by the District Civil Surgeon) and that of his/her eldest child is at least 15 years.
- 3. Government is also pleased to direct that above decision should mutatis mutandis, apply to family pensioners of Recognized and Aided Educational Institutions, Non-Agricultural Universities and Affiliated Non-Government Colleges and Agricultural Universities to whom the pension scheme is made applicable.
- 4. In exercise of the powers conferred by the proviso to Section 248 of the Maharashtra Zilla Parishads and Panchayat Samities Act, 1961 (Mah. V of 1962) and of all the other powers enabling it in that behalf, Government is further pleased to decide that the above decision shall apply to the family pensioners of Zilla Parishads.

This Government resolution of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 201503231129372005. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

Digitally signed by Narayan NARAYAN Bhaskar Ringane

DN : CN = Narayan Bhaskar BHASKAR Ringane, C = IN, S = Maharashtra,

Ringane, C = IN, S = Maharashtra O = Government Of Maharashtra,

RINGANE OU = Deputy Secretary

Date: 2015.03.23 12:12:18+05'30'

N.B.Ringne

Deputy Secretary, Government of Maharashtra

(Government Resolution Finance Department, No. PEN 1014/ C.R.26/SER-4, dt.09.06.2014. is circulated on page 204 of 2014 NB) (01)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCHAT NAGPUR WRIT PETITION NO. 3535/2014 DIWAKAR MALOJI KAMBLE VERSUS THE STATE OF MAH. & OTHERS

Shri A.I. Sheikh, counsel for the petitioner. Shri N.S. Rao, A.G.P. for the R-1, 3 & 4. Shri S.K. Mishra, counsel for the R-2. Shri R.D. Wakode, counsel for the R-5.

CORAM : SMT. VASANTI A. NAIK AND A.M. BADAR, JJ. DATE : APRIL 1, 2015.

The issue involved in this case stands answered in favour of the petitioner by the judgment rendered by the Division Bench of this Court at Aurangabad.

It is stated on behalf of the respondents that the special leave petition challenging the said judgment is pending before the Hon'ble Supreme Court and certain interim orders are passed therein.

In view of the aforesaid, RULE.

Rule made returnable early.

As per the interim order passed by the Hon'ble Supreme Court, the petitioner would be entitled to the benefit of the Career Advancement Scheme, though the petitioner has not passed the NET/SET, if the petitioner has completed six years of service till the issuance of notification of the year 2008, only for the purpose of pay-scale. The respondents are directed to consider and grant the benefit to the petitioner within a period of six months. It is, however, made clear that the interim order would be subject to the decision in the special leave petition. The parties are at liberty to move this Court for early disposal after the Hon'ble Supreme Court decides the special leave petition.

Learned Assistant Government Pleader Shri N.S. Rao waives notice of hearing on behalf of the respondent nos.1, 3 and 4.

Learned counsel Shri S.K. Mishra waives notice of hearing on behalf of the respondent no.2.

Learned counsel Shri Raj Wakode waives notice of hearing on behalf of the respondent no.5.

JUDGE

JUDGE

(02)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT AURANGABAD

WRIT PETITION NO. 3115 OF 2015

DR. ANKUSH BABURAO KADAM AND OTHERS **VERSUS** THE UNION OF INDIA AND OTHERS Advocate for Petitioners : Mr. A. N. Nagargoje ASG for Respondent No.1 : Mr. S.B.Deshpande Advocate for

Respondent 2: Mr. Alok Sharma AGP for Respondents 3-5: Mr. D.V. Tele Advocate for Respondent No.6: Mr. A.B. Girase

CORAM: S.S. SHINDE & P.R. BORA, JJ. Dated: April 06, 2015

PER COURT :-

- 1. Mr. Nagargoje, the learned counsel for petitioners, submits that, the petitioners are appointed in between 1991 to 03.04.1999. They all possess P.G. Degree with 55% marks. The petitioners are selected by following due selection process. They possess qualification required except NET/SET. The learned counsel submits that, the petitioners are entitled for the exemption as are made applicable to the appointment of the lecturers in the period September 1991 to April 2000. The directions and resolutions issued by the Ministry of HRD subsequent to 30.03.2010 and 08.07.2011 would not come in their way. According to the learned counsel, this Court, in writ petitionNo. 10149 of 2010, has considered this aspect and had directed the U.G.C to consider the proposal of exemption vide order dated 17.10.2013.
- 2. Mr. Sharma, the learned counsel for respondent No. 2, submits that, in view of the directions given by the Ministry of Human Research Development, the respondent UGC is not in a position to now consider and decide any proposal seeking exemption from NET/SET. The directions dated 30.03.2010 of the Ministry of Human Research Development, Union of India would not permit UGC to take any further decision.
- 3. We have heard the learned counsel for the University also.
- 4. The petitioners claimed to be appointed in between 1991-1999. They are possessing P.G. Degree qualification and are appointed by following due selection process. The U.G.C. had issued directions/resolutions granting exemption from NET/SET to such employees who were appointed during the period September 1991 to 03.04.2000 and the U.G.C. has taken decision granting exemption to such Teachers appointed during the period 1991 to April 3, 2000. The petitioners would be similarly situated. Only because their proposal was not decided by the UGC the subsequent directions of the HRD would not come in their way as it is held by this court in Writ Petition No.10149 of 2010.
- 5. In light of the above, we direct the concerned Authorities to consider the petitioners case for grant of exemption from passing NET/SET and to give them consequential and incidental benefits. The Commission shall take decision on the same expeditiously and preferably within SIX MONTHS from today.
 - 6. Writ Petition accordingly disposed of. No costs.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

मा. सर्वोच्च न्यायालयाच्या १८ नोव्हेंबर २०१३ च्या अंतरिम आदेशानुसार मा. मुंबई उच्च न्यायालयाच्या विविध खंडपीठांनी २५ मार्च २०१५ नंतर दिलेले निर्णय

मा. सर्वोच्च न्यायालयाने दिनांक २५ मार्च २०१५ रोजी एक महत्त्वपूर्ण आदेश पारित करून नेट-सेट मुक्त शिक्षकांची सर्व प्रकरणे मा. मुंबई उच्च न्यायालयाकडे सुनावणीसाठी पाठिवली आहेत. तो निर्णय सन २०१५ च्या नुटा बुलेटीनच्या पृष्ठ ४१ व ४२ वर प्रसृत करण्यात आलेला आहे. त्यावावतचे महाराष्ट्र प्राध्यापक महासंघाच्या अध्यक्ष व सिचवांचे एक पत्रक पृष्ठ ४३ व ४४ वर प्रकाशित केले आहे. मा. सर्वोच्च न्यायालयाने आपल्या २५ मार्च २०१५ च्या आदेशाने १८ नोव्हेंबर २०१३ चा अंतरिम आदेश कायम ठेवला असून काही अधिव्याख्यात्यांना किंवा सहाय्यक प्राध्यापकांना यापूर्वीच लाभ मिळालेले आहेत, तत्सम लाभ न मिळाल्यामुळे विपरितरित्या प्रभावित झालेल्या तत्सम व्यक्तींना मा. मुंबई उच्च न्यायालयाच्या खंडपीठापुढे जाऊन अंतरिम आदेश (Interim Order) मिळविण्याची मोकळीक सुद्धा मा. सर्वोच्च न्यायालयाने दिली आहे. २५ मार्च २०१५ च्या मा. सर्वोच्च न्यायालयाच्या निर्णयाच्या परिच्छेद ७ मध्ये हे नमूद केलेले आहे. ते पुढील शब्दात :- "Liberty is also granted to affected persons to seek in the High Court of Judicature at Bombay ad interim orders which may place them on parity with other Lecturers/Assistant Professors similarly placed."

२५ मार्च २०१५ चे मा. सर्वोच्च न्यायालयाचे आदेश पारित झाल्यानंतर मा. सर्वोच्च न्यायालयाच्या १८ नोव्हेंबर २०१३ च्या अंतरिम आदेशाला धरून मा. मुंबई उच्च न्यायालयाच्या विविध खंडपीठांनी पारित केलेले निरिनराळे आठ निर्णय प्राप्त झाले आहेत. यापैकी सात निर्णय मा. नागपूर खंडपीठाचे असून एक निर्णय मा. औरंगाबाद खंडपीठाचा आहे. २५ मार्चच्या निर्णयानंतर मुंबई खंडपीठापुढे सुध्दा काही निर्णय झाल्याचे समजले आहे परंतु प्रत मिळू शकली नाही. २५ मार्च २०१५ नंतरच्या काळात मा. मुंबई उच्च न्यायालयाच्या विविध खंडपीठांनी दिलेले हे आठही निर्णय याच अंकात प्रकाशित केलेले अपहेत

- **डॉ. प्रवीण रघुवंशी** अध्यक्ष, 'नुटा' ्री

(03)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2981/2014

Shri Dilip Laxmanrao Thakre **vs.** The State of Maharashtra and others

Mr. A.I. Sheikh, Adv.for petitioner Mrs.Ketaki Joshi, Asst. Govt.Pleader for Respondent nos.1,3 & 4 Mr.Arun Agrawal, Adv. for Res.No.5-University

CORAM : SMT. VASANTI A. NAIK & A.M. BADAR, JJ. DATED : 10th April, 2015.

Learned counsel for the parties agree that the issue involved in this case was decided in favour of the petitioner by the Aurangabad Bench of this Court, and the said judgment has been challenged by the State Government, before the Ho'nble Supreme Court. It is stated that though the matter is pending before the Hon'ble Supreme Court, the Hon'ble Supreme Court has passed interim orders therein. The learned counsel for the petitioner, therefore, seeks a similar order in this case also.

Hence, Rule.

Though the petitioner has not passed the NET/SET examination, the petitioner would be entitled to the benefits of the Career Advancement Scheme, only for the purpose of pay-scales, if the petitioner has completed six years' of service on the date of issuance of the notification dated 4.11.2008

The respondent-State is directed to release the benefits in terms of our interim order in favour of the petitioner, within a period of six months. It is, however, made clear that the interim relief would be subject to the decision in the Special Leave Petition.

Mrs. Ketaki Joshi, learned Assistant Government Pleader waives notice on behalf of respondents 1,3 and 4. Mr. Arun Agrawal, learned Advocate waives notice for respondent no. 5.

JUDGE JUDGE

(04)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2982/2014

Shri Budhaghosh M.Loharake vs. The State of Maharashtra and others

Mr. A.I. Sheikh, Adv.for petitioner Mrs.Ketaki Joshi, Asst. Govt.Pleader for Respondent nos.1,3 & 4 Mr. Sudhir Puranik, Adv. for Res.No.5 Mr. S.K.Bhoyar, Adv.for Res. No.6

CORAM : SMT. VAŠANTI A. NAIK & A.M. BADAR, JJ. DATED : 10th April, 2015.

Learned counsel for the parties agree that the issue involved in this case was decided in favour of the petitioner by the Aurangabad Bench of this Court, and the said judgment has been challenged by the State Government, before the Ho'nble Supreme Court. It is stated that though the matter is pending before the Hon'ble Supreme Court, the Hon'ble Supreme Court has passed interim orders therein. The learned counsel for the petitioner, therefore, seeks a similar order in this case also.

Hence, Rule.

Though the petitioner has not passed the NET/SET examination, the petitioner would be entitled to the benefits of the Career Advancement Scheme, only for the purpose of pay-scales, if the petitioner has completed six years' of service on the date of issuance of the notification dated 4.11.2008

The respondent-State is directed to release the benefits in terms of our interim order in favour of the petitioner, within a period of six months. It is, however, made clear that the interim relief would be subject to the decision in the Special Leave Petition.

Mrs. Ketaki Joshi, learned Assistant Government Pleader waives notice on behalf of respondents 1,3 and 4. Mr. Sudhir Puranik, learned Advocate waives notice for respondent no.5. Mr. S.K.Bhoyar, learned Advocate waives notice for respondent no.6.

JUDGE JUDGE

(05)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2983/2014

Neelima Shrirampant Hajare vs. The State of Maharashtra and others

Mr. A.I. Sheikh, Adv.for petitioner Mrs.Ketaki Joshi, Asst. Govt.Pleader for Respondent nos.1,3 & 4 Mr. B.G.Kulkarni, Adv. for Res.No.5 Mr. A.D.Mohgaoankar, Adv.for Res. No.6

CORAM: SMT. VASANTI A. NAIK & A.M. BADAR, JJ. DATED: 10th April, 2015.

Learned counsel for the parties agree that the issue involved in this case was decided in favour of the petitioner by the Aurangabad Bench of this Court, and the said judgment has been challenged by the State Government, before the Ho'nble Supreme Court. It is stated that though the matter is pending before the Hon'ble Supreme Court, the Hon'ble Supreme Court has passed interim orders therein. The learned counsel for the petitioner, therefore, seeks a similar order in this case also.

Hence, Rule.

Though the petitioner has not passed the NET/SET examination, the petitioner would be entitled to the benefits of the Career Advancement Scheme, only for the purpose of pay-scales, if the petitioner has completed six years' of service on the date of issuance of the notification dated 4.11.2008

The respondent-State is directed to release the benefits in terms of our interim order in favour of the petitioner, within a period of six months. It is, however, made clear that the interim relief would be subject to the decision in the Special Leave Petition.

Mrs. Ketaki Joshi, learned Assistant Government Pleader waives notice on behalf of respondents 1,3 and 4. Mr. B.G.Kulkarni, learned Advocate waives notice for respondent no. 5. Mr. A.D.Mohgaonkar, learned Advocate waives notice for respondent no.6.

JUDGE JUDGE

(06)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2984/2014

Yogeshwar Y. Dudhapachre vs. The State of Maharashtra and others

Mr. A.I. Sheikh, Adv.for petitioner Mrs.Ketaki Joshi, Asst. Govt.Pleader for Respondent nos.1,3 & 4 Mr. B.G.Kulkarni, Adv. for Res.No.5 Mr. A.D.Mohgaoankar, Adv.for Res. No.6

CORAM : SMT. VASANTI A. NAIK & A.M. BADAR, JJ. DATED : 10th April, 2015.

Learned counsel for the parties agree that the issue involved in this case was decided in favour of the petitioner by the Aurangabad Bench of this Court, and the said judgment has been challenged by the State Government, before the Ho'nble Supreme Court. It is stated that though the matter is pending before the Hon'ble Supreme Court, the Hon'ble Supreme Court has passed interim orders therein. The learned counsel for the petitioner, therefore, seeks a similar order in this case also.

Hence, Rule.

Though the petitioner has not passed the NET/SET examination, the petitioner would be entitled to the benefits of the Career Advancement Scheme, only for the purpose of pay-scales, if the petitioner has completed six years' of service on the date of issuance of the notification dated 4.11.2008

The respondent-State is directed to release the benefits in terms of our interim order in favour of the petitioner, within a period of six months. It is, however, made clear that the interim relief would be subject to the decision in the Special Leave Petition.

Mrs. Ketaki Joshi, learned Assistant Government Pleader waives notice on behalf of respondents 1,3 and 4. Mr. B.G.Kulkarni, learned Advocate waives notice for respondent no. 5. Mr. A.D.Mohgaonkar, learned Advocate waives notice for respondent no.6.

JUDGE JUDGE

 $\overline{(07)}$

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCHAT NAGPUR
WRIT PETITION NO. 2977/2014
VILAS KESHAVRAO BHIMANWAR VERSUS
STATE OF MAH. & OTHERS

Shri A.I. Sheikh, counsel for the petitioner.

CORAM : SMT. VASANTI A. NAIK AND A.M. BADAR, JJ. DATE : APRIL 16, 2015.

The issue involved in this case stands answered in favour of the petitioner by the judgment rendered by the Division Bench of this Court at Aurangabad.

It is stated on behalf of the respondents that the special leave petition challenging the said judgment is pending before the Hon'ble Supreme Court and certain interim orders are passed therein.

In view of the aforesaid, RULE.

Rule made returnable early.

As per the interim order passed by the Hon'ble Supreme Court, the petitioner would be entitled to the benefit of the Career Advancement Scheme, though the petitioner has not passed the NET/SET, if the petitioner has completed six years of service till the issuance of notification of the year 2008, only for the purpose of pay-scale. The respondents are directed to consider and grant the benefit to the petitioner within a period of six months. It is, however, made clear that the interim order would be subject to the decision in the special leave petition. The parties are at liberty to move this Court for early disposal after the Hon'ble Supreme Court decides the special leave petition.

Learned Assistant Government Pleader Shri K.L. Dharmadhikari waives notice of hearing on behalf of the respondent nos.1, 3 and 4.

Learned counsel Shri S.K. Mishra waives notice of hearing on behalf of the respondent no.2.

Learned counsel Shri R.D. Khade waives notice of hearing on behalf of the respondent no.5.

JUDGE JUDGE

(08)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCHAT NAGPUR

WRIT PETITION NO.5378 OF 2014

Dr. Siras Bhayyalal Katmusare and others VS. The State of Maharashtra and others

Shri A.I. Sheikh, counsel for the petitioners. Shri N.S. Rao, A.G.P. for the R-1 to 3. Shri Rahul Khade, counsel for the R-4. Shri B.G. Kulkarni, counsel for the R-5.

CORAM: SMT. VASANTI A. NAIK AND A.M. BADAR, JJ. DATE: APRIL 16, 2015.

The issue involved in this case stands answered in favour of the petitioners by the judgment rendered by the Division Bench of this Court at Aurangabad.

It is stated on behalf of the respondents that the special leave petition challenging the said judgment is pending before the Hon'ble Supreme Court and certain interim

orders are passed therein.

In view of the aforesaid, RULE.

Rule made returnable early.

As per the interim order passed by the Hon'ble Supreme Court, the petitioners would be entitled to the benefit of the Career Advancement Scheme, though the petitioners have not passed the NET/SET, if the petitioners have completed six years of service till the issuance of notification of the year 2008, only for the purpose of pay-scale. The respondents are directed to consider and grant the benefit to the petitioners, within a period of six months. It is, however, made clear that the interim order would be subject to the decision in the special leave petition. The parties are at liberty to move this Court for early disposal after the Hon'ble Supreme Court decides the special leave petition.

Learned Assistant Government Pleader Shri N.S. Rao waives notice of hearing on behalf of the respondent nos.1 to 3.

Learned counsel Shri Rahul Khade waives notice of hearing on behalf of the respondent no.4.

Learned counsel Shri B.G. Kulkarni waives notice of hearing on behalf of the respondent no.5.

JUDGE

JUDGE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION REVIEW PETITION (C) NOS. 519-521 OF 2015 IN SPECIAL LEAVE PETITION (C) NOS. 1024-1026 OF 2014

State of Maharashtra & Ors. Etc. Etc....Petitioners **VERSUS** Vidarbha Ayurved Mahavidyalaya & Ors.Respondents

ORDER

There is an inordinate delay of 148 days in filing the instant petitions, for which no satisfactory explanation has been offered.

Thus, though the present petitions are liable to be dismissed on the ground of delay itself, yet we have carefully gone through the review petitions and the papers connected therewith. We are satisfied that no case for review of this Court's order dated 10.1.2014 dismissing SLP (C) Nos. 1024-1026 of 2014 has been made out.

The review petitions are, accordingly, **dismissed** on the ground of delay, as well as on merits.

(Jagdish Singh Khehar) J (A.K. Sikri) J New Delhi; March 12, 2015.

आयुर्वेद महाविद्यालयातील शिक्षक

आयुर्वेद महाविद्यालयातील शिक्षकांना सेवानिवृत्ती योजना लागू करण्याच्या मा. उच्च न्यायालयाच्या नागपूर खंडपीठाने १० जून २०१३ रोजी दिलेल्या निर्णयावर राज्यशासनाने मा. सर्वोच्च न्यायालयात विशेष अपिलार्थ परवानगी मागणारी याचिका (SLP) दाखल केली होती. ती १० जानेवारी २०१४ रोजी मा. सर्वोच्च न्यायालयाने 'हिसमिस' केली. त्यानंतर राज्यशासनाने मा. सर्वोच्च न्यायालयात पुनर्विलोकन याचिका (Review Petition) दाखल केली. दिनांक १२ मार्च २०१५ रोजी ती याचिका सुद्धा न्यायालयाने 'हिसमिस' केली. १२ मार्च २०१५ चे आदेश वर दिलेले आहेत.

- **डॉ. प्रवीण रघृवंशी** अध्यक्ष, 'नुटा'

/
NUTA BULLETIN (Official Journal of NAGPUR UNI-
VERSITY TEACHERS' ASSOCIATION) EDITOR:
Prof. Vivek S. Deshmukh, Balaji Society, Yavatmal 445
001. PUBLISHER : Prof. Vivek S. Deshmukh, Balaji
Society, Yavatmal 445 001. Published at NUTA Bulletin
Office, Shikshak Bhavan, Sant Gadge Baba Amravati
University Campus, Amravati- 444 602. PRINTED
University Campus, Amravati- 444 602. PRINTED AT Bokey Printers, Gandhi Nagar, Amravati. (M.S)
AT Bokey Printers, Gandhi Nagar, Amravati. (M.S) REGD NO. MAHBIL/2001/4448 Postal
AT Bokey Printers, Gandhi Nagar, Amravati. (M.S)
AT Bokey Printers, Gandhi Nagar, Amravati. (M.S) REGD NO. MAHBIL/2001/4448 Postal Registration No. ATI/RNP/078/2015-17 (Uploaded on www.nuta.in on 10.05.2015) Price: Rs. Five / Name of
AT Bokey Printers, Gandhi Nagar, Amravati. (M.S) REGD NO. MAHBIL/2001/4448 Postal Registration No. ATI/RNP/078/2015-17 (Uploaded on

letin Office, Shikshak Bhavan, Sant Gadge Baba Amravati University Campus, Amravati-444 602 .
То,