IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 966 OF 2016

Association of College and University
Superannuated Teachers, (Maharashtra)
A society registered at No.MAH-853/2009
Under the provisions of the Societies
Registration Act, having its Head office at
20, Sawarkarnagar, N-5 (South), Cidco,
Aurangabad, through its President andseession
Convenor, Principal Dr.M.A.Wahul.

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Higher and Technical Education
Department, Mantralaya, Mumbai 32

2. The Director, Higher Education,
Maharashtra State, Pune.

3. The Joint Director, Higher Education,
Aurangabad Region, Aurangabad.

4. The Joint Director, Higher Education,
Nanded Region, Nanded.

5. The Joint Director, Higher Education,
Jalgaon Region, Jalgaon.

6. The Joint Director, Higher Education,
Nagpur Region, Nagpur.

7. The Joint Director, Higher Education,
Kolhapur Region, Kolhapur.

8. The Joint Director, Higher Education,
Pune Region, Pune.

9. The Joint Director, Higher Education,
Solapur Region, Solapur.

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Ms.Neha B.Kamble, Adv., h/f Mr. S.V.Adwant, Adv. for the petitioner.
Mr. S.M.Ganachari, AGP for respondent nos. 1 to 9.

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WRIT PETITION NO.977 OF 2016

1. Dr.Venkat Bapurao Tak,
Age 72 years, Occ : Pensioner,
R/o. Vaishnav Nagar,Karagaon Naka Road,
Parbhani.

2. Dr.Laxmikant Vamanrao Ambegaonkar,
Age 74 years, Occ: Pensioner,
r/o Swagat Sant Dasganu Nagar,
Parbhani.

3. Dr.Laxman Pandurangrao Kulkarni,
Age 77 years, Occ: Pensioner,
R/o Shivramnagar, Parbhani.

4. Dr.Shankarrao Laxmanrao Rapte,
Age 76 years, Occ: Pensioner,
R/o Karegaon Road, Parbhani.

5. Dr.Vithal Bapurao Shelke,
Age 66 years, Occ: Pensioner,
R/o. Niwara Lokmanya Nagar,
Karagaon Road, Parbhani.

6. Dr.Pandit Govindrao Sakhare,
Age 76 years, Occ: Pensioner,
r/o. 107, Samadhan Lokmanya Nagar,
Parbhani.

7. Dr.Nagnath Narayan Shinde,
Age 68 years, Occ: Pensioner,
r/o. 59 Manlee, Lokmanya Nagar,
Parbhani.

8. Dr.Vilas Trimbakrao Wattamwar,
Age 65 years, Occ: Pensioner,
R/o. Swati Building, Vishnunagar, Parbhani.

9. Dr.Narwadkar Prabhkar Ramrao
Age 68 years, Occ:Pensioner,
R/o.Tuljabhuvan Ramkrishna Nagar,
Basmat Road, Parbhani.

10. Dr.Nilkanth Dattarao Deshmukh,
Age 68 years, Occ. Pensioner,
R/o. `Bhagya', Laxminagar, Basmat Road,
Parbhani.

11. Dr.Pandurang Waghoji Yengade,
Age 70 years, Occ: Pensioner,
r/o. Krishi Sarathi Colony, Krishi nagar,
Parbhani.

12. Dr.Ambaji Namdevrao Gitte,
Age 64 years, Occ: Pensioner,
r/o. Krishi Sarathi Colony, Basmat Road,
Parbhani 431 401

...**PETITIONERS**

VERSUS

1. The State of Maharashtra
Through the Secretary, Agriculture,
Animal Husbandary, Dairy Development
And Fisheries Department,
Mantralaya Annex, Mumbai.

2. The State of Maharashtra
Through the Secretary,
Finance Department,
Mantralaya, Mumbai.

3. Vasantrao Naik Marathwada
Agricultural University,
Parbhani, through its Vice-Chancellor,
Parbhani.

...**RESPONDENTS**

Ms.Neha B.Kamble, Adv., h/f Mr. S.V.Adwant, Adv. for the petitioner.
Mr. S.M.Ganachari, AGP for respondent nos. 1 & 2.
Mr.M.N.Navandas, Adv., for respondent no.3.

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CORAM: R.M.BORDE
AND
P.R.BORA, JJ.

DATE : March 18th, 2016

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ORAL JUDGMENT: (*Per R.M.Borde, J.*)

1. Heard. Rule. Rule made returnable and heard forthwith with the consent of the learned Counsel for the parties.

2. The grievance raised in the instant petitions is identical as in the decided matter presented by one **Dr.Jeurkar Ramkrishna Keshavrao and others Vs. The State of Maharashtra and others,** in Writ Petition No.440 of 2015, decided by the Division Bench of this Court on 10th April, 2015. The petitioners claim entitlement to two advance increments on the basis of Government Resolution dated 11th December, 1999. Under the aforesaid Government Resolution, a decision was taken to award revised pay scale and also increments towards Career Advancement Scheme in favour of the petitioners who had secured Ph. D. degrees. In accordance

with the aforesaid Government Resolution, the effective date of implementation was 1st of January, 1996, for those who had acquired Ph.D. degrees earlier to the said date and in respect of those those who had acquired it subsequently, it was decided that the date of extension of benefits in such cases would be the date of acquisition of the Ph. D. degree.

In both these petitions, the petitioners have acquired the Ph. D. degree and, as such, are entitled to claim benefits under the Government policy.

3. For the reasons recorded in the judgment delivered by the Division Bench of this Court on 10th April, 2015 in Writ Petition No.440/2015, as well as in Writ Petition No.10431/2012, decided on 15th July, 2014, the petitions deserve to be allowed and those are accordingly allowed.

The petitioners who have completed their Ph. D. degree prior to 1.1.1996, would be given benefit of two increments of Rs.420/-. The respondents shall make payment in respect of the aforesaid benefit of two increments with effect from 1.1.1996 with all consequential benefits to which the petitioners are legally entitled to in accordance with the relevant Government Resolutions and policy of the Government.

In respect of one of the teacher, petitioner in Writ Petition No.977/2016, he shall be entitled to the benefits from the date of acquisition of Ph.D. degree in accordance with the circular dated 27.6.2000 with consequential benefits admissible in accordance with the relevant regulations and the policy prescribed in that behalf.

4. Counsel appearing for the petitioners canvassed that the petitioners are entitled to claim interest on the amount of advance increments which were not granted to the petitioners. Reliance is placed on the judgments in the matters of :

(a) **Dr.Uma Agrawal Vs. State of U.P. and another**
((1999) 3 SCC 438)

(b) **S.K.Dua vs. State of Haryana and another**
((2008) 3 SCC 44)

(c) **S.R.Bhanrale vs. Union of India and others**
((1996) 10 SCC 172)

(d) **D.D.Tewari (Dead) through legal representatives**
versus
Uttar Haryana Bijli Vitran Nigam Limited and others.
((2014) 8 SCC 894)

In all these matters relating to grant of retiral benefits, the Supreme Court observed that retirement benefit shall not be a bounty and those were withheld unnecessarily and

directed payment of interest on the amounts due. The judgments cited are not applicable in the facts and circumstances of the instant case.

5. In the instant case, there was a dispute as to the entitlement of the petitioners to claim advance increments. The issue was settled by this Court in the matter of **Dr.Jeurkar R.K. Vs. State of Maharashtra** (Writ Petition No.440/2015) decided on 10th April, 2015. It is not a case of the petitioners that withholding of the benefits is because of the lapse on the part of the respondents or that it is an intentional act of the respondents depriving the petitioners to secure the benefits.

Similarly, reliance is also placed on the judgment in the matter of **Harkant Hiralal Vohra (Dead) by LRs Vs. Union of India and another** ((1998) 8 SCC 202).

Considering the facts giving rise to the aforesaid matter, and on perusal of orders passed in similar matters, neither it was canvassed that the benefit of interest shall be admissible to petitioners therein, nor demand for interest appears to have been pressed into service.

Considering the facts and circumstances of the case, we do not deem it necessary to consider the request of the petitioners for grant of interest on the amount of advance

increments, due and payable.

Rule is accordingly made absolute in both the petitions. There shall be no order as to costs.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

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AGP/966-977-16wp

list of members in case of 9/6/2016

Association of College & university Superannuated Teachers (Mah.)

List of Retired Teachers for Ph. D. increments

Sr. No.	Name	Name of the College / Institute	Date of Appointment	Date of Ph.D.	Date of Retirements	Pay Scale as on 1/1/86	Regional Jt. Director
1.	Dr. Shinde S.S.	Arts, Sci., Comm. College, Manjalegaon, Dist. Beed		15/1/92	30/6/2006	3000-5000	A'bad
2.	Dr. Wadood Khan M.A.	Arts, Sci., Comm. College, Manjalegaon, Dist. Beed	1/7/73	17/3/86	31/7/2004	3000-5000	A'bad
3.	Dr. Reddy B.P.	Pratisthan Mahavidyalaya, Paithan	1/7/73	29/1/94	31/7/2005	3700-5000	A'bad
4.	Dr. Manwar D.S.	Kumar Swami Mahavidyalaya, Ausa, Dist. Latur	June 73	1995	30/6/08	3700-5700	Nanded
5.	Mrs. Mandlekar J.S.	Dharmpeth M.P. Deo Memo. Science College, Nagpur	15/7/74	28/2/94	30/9/12	3000-5000	Nagpur
6.	Dr. Aipatwar A.R.	Dharmpeth M.P. Deo Memo. Science College, Nagpur	1/8/72	15/12/86	31/7/08	3700-5700	Nagpur
7.	Dr. Gogte B.B.	R.S.T.M. Nagpur Uni., Nagpur	10/7/74	7/6/80	31/12/08	3000-5000	Nagpur
8.	Dr. Shrikhande D.J.	M. Mohala Science College, Nagpur	21/6/71	10/9/85	30/11/10	3700-5700	Nagpur
9.	Dr. Thakur G.J.	M. Mohala Science College, Nagpur	16/8/72	79	28/2/07	3700-5700	Nagpur

Sr. No.	Name	Name of the College / Institute	Date of Appointment	Date of Ph.D.	Date of Retirements	Pay Scale as on 1/1/86	Regional Jt. Director
10.	Dr. Gomkale K.D.	M. Mohala Science College, Nagpur	5/7/65	1978	31/7/04	3700-5700	Nagpur
11.	Dr. Mrs. Bhide S.A.	Institute of Science, Nagpur	2/8/71	27/2/79	31/5/05	3700-5700	Nagpur
12.	Dr. Mrs. Kelkar D.S.	Institute of Science, Nagpur	9/7/73	21/9/89	30/11/07	3000-5000	Nagpur
13.	Dr. Shalgaonkar C.S.	Shivaji Uni., Kolhapur	6/7/1970	1976	30/11/04	3000-5000	Kolhapur
14.	Dr. Deshmukh B.G.	S.B. Zadbuke Mahavidyalaya, Barshi	15/6/1976	1984	31/1/2003	3000-5000	Solapur
15.	Dr. Ghugre S.B.	S.B. Zadbuke Mahavidyalaya, Barshi	16/6/1975	1990	31/7/2014	3000-5000	Solapur
16.	Dr. Patil V.S.	Shivaji Mahavidyalaya, Barshi	15/6/1974	7/7/1982	30/6/07	3000-5000	Solapur
17.	Dr. Mrs. Patil U.D.	J.D.M.C.P.M's Arts, Sci. Comm. College, Jalgaon	28/6/1972	20/5/88	31/7/08	3000-5000	Jalgaon
18.	Dr. Jagtap P.D.	J.D.M.C.P.M's Arts, Sci. Comm. College, Jalgaon	15/9/80	12/10/92	30/4/08	3000-5000	Jalgaon
19.	Dr. Shah V.B.	M.J. College, Jalgaon	15/6/68	9/11/82	29/2/04	3700-5700	Jalgaon
20.	Dr. Mrs. Jawale M.M.	M.J. College, Jalgaon	5/9/80	24/11/87	31/1/08	3000-5000	Jalgaon
21.	Dr. Mrs. Narkhede P.T.	Dr. Bendale Mahila Maha. Jalgaon	19/7/88	7/6/84	30/11/08	2200-4000	Jalgaon

Sr. No.	Name	Name of the College / Institute	Date of Appointment	Date of Ph.D.	Date of Retirements	Pay Scale as on 1/1/86	Regional Jt. Director
22.	Dr. Saraf A.G.	Pratap Mahavidyalaya, Amalner	20/6/61	29/7/86	31/12/97	3700-5700	Jalgaon
23.	Dr. Kulkarni M.M.	Pratap Mahavidyalaya, Amalner		13/5/88	30/6/98	3700-5700	Jalgaon
24.	Dr. Dhake B.A.	B.P. Arts & Sci., Comm. College, Chalisgaon	20/6/63	10/11/84	31/5/99	3700-5700	Jalgaon
25.	Dr. Rajput S.I.	B.P. Arts & Sci., Comm. College, Chalisgaon	1/7/69	22/12/82	30/11/04	3700-5700	Jalgaon
26.	Dr. Patil S.A.	S.S.V.P's Arts, Comm. College, Dhule	15/6/73	Dec. 92	31/8/07	3000-5000	Jalgaon
27.	Dr. Mahajan S.B.	S.S.V.P's Arts, Comm. College, Dondaicha	15/6/70	1981	28/2/03	3700-5700	Jalgaon
28.	Dr. Patil H.T.	P.S.G.S. Arts, Comm. Science College, Shahada	15/6/74	16/3/93	30/4/10	3000-5000	Jalgaon
29.	Dr. Patil S.G.	P.S.G.S. Arts, Comm. Science College, Shahada	15/6/70	2/92	28/2/03	3700-5700	Jalgaon

II
PhD

ITEM NO.40 COURT NO.8 SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 18891/2017
(Arising out of impugned final judgment and order dated 18.03.2016 in WP No.966/2016 passed by the High Court Of Judicature of Bombay Bench at Aurangabad)

THE STATE OF MAHARASHTRA & ORS. Petitioner(s)

VERSUS

ASSOCIATION OF COLLEGE AND UNIVERSITY SUPERANNUATED TEACHERS (MAHARASHTRA) Respondent(s)

Date : 14-03-2019 This petition was called on for hearing today.

CORAM :
HON'BLE MS. JUSTICE INDU MALHOTRA
[IN CHAMBERS]

For Petitioner(s) Mr. Seshatalpa Sai Bandaru, Adv.
Mr. Nishant Ramakantrao Katneshwarkar, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

learned counsel for the petitioners states that he has instructions to withdraw the petition.

The special leave petition is accordingly, dismissed as withdrawn.

(INDU MARWAH)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER