

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION [st.] NO. 23856 OF 2014

Sanjay Jayendra Pabari & Others. ..Petitioners.
Versus
State of Maharashtra & Others. ..Respondents.

Mr. Yashodeep Deshmukh i/b Sharyu Shinde and Ramdas Shelke
for the Petitioners.

Mr. V. N. Sagare, AGP for the State.

Coram : Ranjit More &
Dr.(Smt) S. S. Phansalkar-Joshi, JJ.

Date : **March 11, 2016.**

P. C. :

1. Learned Counsel appearing for the Petitioners submitted that insofar as Petitioner Nos. 2, 3 and 4 herein are concerned, they are covered by the decision rendered by the Division Bench of this Court in Writ Petition No.2082 of 2015 & Group, as the issue involved in the instant writ petition *qua* Petitioner Nos. 2, 3 and 4 and the issue involved in the said group of writ petitions is one and the same. The said group of writ petitions is disposed of by the Division Bench of this Court by a detailed judgment and order dated 23rd December 2015. In paragraph 89 of the said judgment, the Division Bench has made it clear that the said judgment will be applicable to all the

similarly placed writ Petitioners. Learned Counsel appearing for the Petitioners do not dispute that Petitioner Nos. 2, 3 and 4 in the instant petitions are placed similarly with the Petitioners in the said decided group of writ petitions. In view of this, we dispose of the instant writ petition insofar as Petitioner Nos. 2, 3 and 4 are concerned, in terms of the operative order made in the said decided group of writ petitions.

2. Hence, instant writ petition qua Petitioner Nos. 2, 3 and 4 is disposed of in following terms :

- 1] It is declared that the teachers/ professors/ lecturers/ candidates who have not acquired NET/SET/TEST qualification and who are appointed during 24.10.1992 to 3.4.2000 (except 19.9.1991 to 23.10.1992) (see Government Resolution dated 27.06.2013) are not entitled for CAS (Career Advancement Scheme) and other related benefits except the benefits including the pay scale and increments and other related benefits, as announced by the State, but on conditions so reproduced.
- 2] Upon acquiring NET/SET qualification, the teachers shall be entitled for the CAS and other related benefits in accordance with law from the date of acquisition of qualification of NET/SET from the date of acquisition of qualification of NET/SET as announced.

- 3] The challenge to the validity of the impugned State Government Resolution dated 27 June 2013 is rejected. The action of the State of Maharashtra is upheld. The State/ Universities/ Colleges to take steps accordingly.

3. So far as Petitioner No.1 is concerned, learned Counsel appearing for the Petitioners submitted that in terms of the judgment made in the said group of writ petitions, Petitioner No. 1 is entitled to the career advancement scheme. In that view of the matter, petition is kept pending in so far Petitioner No. 1 is concerned. Learned AGP to take instructions and make submissions on the next date. **Adjourned to 16th April 2016.** In the meanwhile, learned Counsel appearing for the Petitioner shall remove office objections.

4. Writ Petition No.1466 of 2011 and Writ Petition No. 1469 of 2011 shall also to be heard along with this writ petition.

[Dr. (Smt.) S. S. Phansalkar-Joshi, J.]

[RANJIT MORE, J.]