

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1246 OF 2024

The G K Gujar Memorial
Charitable Trust Through
Its Secretary & Anr.

.....Petitioners

Vs.

Shivaji University Kolhapur
Through Its Registrar & Anr.

.....Respondents

Mr. K. S. Bapat, senior advocate i/b Ms. Druti R. Datar, for
Petitioners.

Mr. Avinash Belge, for Respondent.

Ms. S. N. Deshmukh, AGP for Respondent-State.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 26th SEPTEMBER 2025

PC.:-

1. Heard learned advocates appearing for respective parties.
2. The issue raised in present Writ Petition is as to whether D.A. payable to employees of aided technical institutions can be made applicable to employees of private unaided institutions.
3. The learned senior counsel relies upon observation of

Supreme Court of India in case of *Army Welfare Education Society New Delhi Vs. Sunil Kumar Sharma & Ors.*¹ and in case of *Satimbla Sharma & Ors. Vs. ST. Paul's Senior Secondary School & Ors.*² to contend that, in absence of statutory provisions requiring private unaided institutions to pay same salary and allowances to its teachers/employees as are being paid to teachers of Government aided schools, the private unaided institutions cannot be directed to pay equivalent to teachers in aided institutions. In light of controversy raised in this Petition, it would be appropriate to have stand of State Government before this Court.

4. Learned senior counsel therefore seeks permission to add Director of Technical Education as party Respondent to Writ Petition. Permission granted. Amendment to be carried out forthwith.

5. Ms. Deshmukh, learned AGP, accepts notice on behalf of added Respondent. The added Respondent to file an affidavit in reply within a period of four weeks from today. Stand over to 21st November 2025.

¹ 2024 SCC ONLINE SC 1683

² 2011) 13 SCC 760

6. It is expected that university also place on record its affidavit in reply in light of aforesaid aspect.

7. Interim relief, if any, granted earlier to continue till then.

(S. G. CHAPALGAONKAR, J.)