VERDICTUM.IN
CNR No : HCBM030163412016

2026:BHC-AUG:52690-DB



# IN THE HIGH COURT OF JUDICATURE AT BOMBAY
# BENCH AT AURANGABAD

## WRIT PETITION NO. 4724 OF 2016

1] Kannulal S/o Asaram Vitore,
Age : 31 years, Occu. Assistant Professor
for Hindi, R/o At Post Dundi, Tq. Ambad,
Dist. - Jalna

2] Bhimrao S/o Dalitrao Pundge,
Age 33 years, Assistant Professor
for Sociology, R/o Model College,
Ghansawangi, Tq. Ghansawangi,
Dist. Jalna

3] Dnyaneshwar S/o Eknath Khoje,
Age 32 years, Occu. Assistant Professor
for Economics, R/o As Above

4] Balasaheb S/o Wamanrao Sonwane,
Age 37 years, Occu. Assistant Professor
for Marathi, R/o Village Chincholi,
Tq. Ghanswangi, Dist. Jalna

5] Khandu S/o Malhari Navkhande,
Age 30 years, Occu. Assistant Professor
for Economics, R/o at Post Ankushnagar,
Tq. Ambad, Dist. Jalna

6] Valmik S/o Maniramji Meshram
Age 31 years, Occu. Assistant Professor
for English, R/o Plot No. 11,
Swayamprabha Colony, Kathora Road,
V.M.V. Amravati

7] Uday S/o Pralhadrao Pawar,
Age 30 years, Occu. Assistant Professor
for Commerce, R/o At Jamkhed,
Tq. Ambad, Dist. Jalna

8] Dr. Rushibaba S/o Gulabrao Shinde,
Age 32, Occu. Assistant Professor
for Marathi, R/o C/o. B.B. Dhoble,
'Yoga-Yog' Sonal Nagar,
Near Railway Station, Jalna .. Petitioners

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***Versus***

1] The State of Maharashtra,
Through the Principal Secretary,
Higher & Technical Education, M.S.,
Mantralaya, Mumbai – 32.

2] Dr. Babasaheb Ambedkar
Marathwada University, Aurangabad,
through its Registrar,

3] University Grants Commission
through its Secretary, Bahadur
Shah Jafar Marg, New Delhi – 110 002

[**Resp. No. 3 deleted as per**
**Court's Order dated 21.07.2016**]

4] Model College, Ghansawangi,
through its Principal .. Respondents

**AND**
**WRIT PETITION NO. 5111 OF 2019**

1] Dr. Shubhangi d/o. Dnyandeo Shirsat,
Age 34 years, Occu. Assistant Professor
C/o New Model Degree College,
Hingoli

2] Santosh S/o. Kundlikrao Dhande,
Age 40 yeas, Occu. Assistant Professor,
C/o. New Model Degree College,
Hingoli

3] Dr. Mohammad Aslam S/o. Mohammad Hussain,
Age 36 years, Occu. Assistant Professor,
C/o. New Model Degree College,
Hingoli

4] Dr. Dnyandeo S/o. Rama Azade,
Age 42 years, Occu. Assistant Professor
C/o. New Model Degree College,
Hingoli

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5] Vidhyasagar S/o. Digambar Bansode,
Age 29 years, Occu. Assistant Professor,
C/o. New Model Degree College,
Hingoli .. Petitioners

***Versus***

1] The State of Maharashtra
Though the Principal Secretary,
Higher & Technical Education, M.S.,
Mantralaya, Mumbai – 32.

2] Swami Ramanand Teerth
Marathwada University, Nanded
Through its Registrar

3] University Grants Commission,
Through its Secretary, Bahadur
Shah Jafar Marg, New Delhi – 110 002

4] New Model Degree College,
Hingoli, Dist. Hingoli,
Through its Principal .. Respondents

**AND**
**WRIT PETITION NO. 5134 OF 2016**
**WITH**
**CIVIL APPLICATION NO. 5971 OF 2026 IN WP/5134/2016**

1] Ganesh S/o Asaram Survase,
Age 30 years, Occu. Service (Head Clerk)
R/o Village Bhendala, Tq. Ghansawangi,
Dist. Jalna

2] Babu S/o Kathalu Chavan,
Age 25 years, Occu. Service (Peon)
R/o Village Hatadi, Tq. Ghansawangi,
Dist. Jalna

3] Arjun S/o Wamanrao Sable,
Age 24 years, Occu. Service (Peon)
R/o Village Kathala, Tq. Ghansawangi,
Dist. Jalna

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4] Satish S/o Baburao Bramhane
Age 27 years, Occu. Service (Peon)
R/o Village Sarfgaon,
Tq. Ghansawangi, Dist. Jalna .. Petitioners

***Versus***

1] The State of Maharashtra,
Through the Principal Secretary,
Higher & Technical Education, M.S.,
Mantralaya, Mumbai – 32

2] Dr. Babasaheb Ambedkar
Marathwada University, Aurangabad,
Through its Registrar,

3] Model College, Ghansawangi,
Through its Principal .. Respondents

**AND**
**WRIT PETITION NO. 7304 OF 2020**
**AND**
**CIVIL APPLICATION NO. 415 OF 2023 IN WP/7304/2020**

Murlidhar Shrirangrao Shinde
Age : 38 years, Occu : Service as Assistant Professor,
New Model Degree College,
Hingoli
R/o 203, “C” Ramkrishna City Balsnd Hingoli,
Tq. Hingoli, Dist. Hingoli .. Petitioners

***Versus***

1] The State of Maharashtra,
Through the Principal Secretary,
Higher & Technical Education Department,
M.S. Mantralaya, Mumbai – 32.

2] Swami Ramanand Teerth
Marathwada University, Nanded
Through its Registrar

3] University Grants Commission,
Through its Secretary,
Bahadur Shah Jafar Marg,
New Delhi – 110 002.

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4] New Model Degree College,
Hingoli, Dist. Hingoli,
Through its Principal .. Respondents

**AND**
**WRIT PETITION NO. 7009 OF 2023**

Dipak S/o Rangnath Kamble
Age : 40 years, Occu : Service,
Assistant Librarian, Model College,
Ghansawangi,
R/o Ghansawangi, Tq. Ghansawangi,
Dist. Jalna .. Petitioners

***Versus***

1] Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Through Registrar

2] Principal Model College,
At Ghansawangi, Dist. Jalna .. Respondents

...

Advocate for petitioners :

Mr. N.B. Khandare, Sr. Advocate i/by Mr. M.P. Tripathi (WP/5134/2016)
Mr. N.B. Khandare, Sr. Advocate (WP/7009/2023)
Mr. S.B. Ghatol Patil (WP/7304/2020)
Ms. Pradnya Talekar (WP/5111/2019)

Advocate for respondents :

Mr. A.B. Girase, Government Pleader for State
Mr. U.S. Malte, Advocate for respondent no. 2
Mr. S.W. Munde, Advocate for respondent no. 3 and 5 – UGC
Mr. A.D. Aghav, Advocate for respondent no. 4
Mr. S.S. Tope, Advocate for respondent no. 2 (WP/5134/2016)

...

CORAM : KISHORE C. SANT AND
JITENDRA JAIN, JJ.
RESERVED ON : 26th OCTOBER 2026
PRONOUNCED ON : 29th OCTOBER 2026

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JUDGMENT (PER – JITENDRA JAIN, J.) :

**1.** Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, these petitions are heard finally.

**2.** This batch of petitions filed by the petitioners seeks regularisation and permanency of their services with all consequential service benefits. By consent of the parties, Writ Petition No. 4724 of 2016 is taken as a lead matter.

**3.** Petitioners in writ petition No. 4724 of 2016 have instituted the petition for following reliefs :-

> *"(A) By issue of Writ of Mandamus or orders or directions in the like nature, respondent No. 2 – university may be directed to regularize the services of the petitioners as Assistant Professors and confer permanency on the petitioners with all consequential service benefits;*
>
> *(B) Pending hearing and final disposal of this Writ Petition, by way of interim order, respondent no. 2 – university may be directed to continue the petitioners without getting technical break and pay fill salary to the petitioners;*
>
> *(C) Pending hearing and final disposal of this Writ Petition, respondent no. 2 – university may be restrained from publishing an advertisement and undertaking recruitment process on the posts on which petitioners are working;*
>
> *(D) To grant any other relief to which the petitioners are found entitled to in the peculiar facts and circumstances of the case;"*

**4.** This matter reminds us of deep rooted culture in the land of Mother India, where Indian parents from the time of giving birth to a

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child till their last breath, act as a lifelong guardians - even after the child achieves adulthood, gets married and has children, irrespective of child's economic and financial condition. Indian parents would always make wholehearted attempt to ensure that their child survives and prospers, though they may have to pay heavy cost by cutting down on their own expenses. Equally, State, regarded as *parens patriae*, cannot establish an educational institution and leave it to struggle for administrative support necessary for fulfillment of its purpose.

**5.** It is in the above context that Chapter 5 paragraph 5.1 of the National Education Policy, 2020 assumes significance, which reads as under :-

> *"5.1 Teachers truly shape … … … . The quality of teacher education, recruitment, deployment, service conditions, and empowerment of teachers is not where it should be, and consequently the quality and motivation of teachers does not reach the desired standards. The high respect for teachers and the high status of the teaching profession must be restored so as to inspire the best to enter the teaching profession. The motivation and empowerment of teachers is required to ensure the best possible future for our children and our nation."*
>
> *(emphasis supplied)*

**6.** Kothari Commission Report on "Education and National Development, 1964-66" in Chapter 1 – paragraph 1.01 observed as under :-

> *"The destiny of India is now being shaped in her classrooms."*
>
> *(emphasis supplied)*

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**7.** The significance of these principles is also reflected in the observation of the Hon'ble Supreme Court in the case of ***Mahatma Gandhi Mission vs. Bhartiya Kamgar Sena***[1], touching the issue arising in the present batch of matters for our consideration, which reads as under:-

> *"34. Importance of the role of education in the life of human beings is well known to the society which invented the concept of "Zero". Even the colonial Rulers established educational institutions and encouraged the establishment of educational institutions by non-State actors by introducing a system of supporting them by providing financial aid to some extent. The very fact that the makers of the Constitution of India chose to refer to "aid out of State funds" to educational institutions in Article 29(2) and "aid to educational institutions" in Article 30(2), is proof of the fact that the makers of the Constitution took note of the need to financially support educational institutions established even by non-State actors.*
>
> *35. Education is one of the most vital elements for preservation of the democratic system of Government. The Supreme Court of America in Wisconsin v. Yoder [Wisconsin v. Yoder, 32 L Ed 2d 15 : 406 US 205 (1972) : 1972 SCC OnLine US SC 92] observed : (SCC OnLine US SC para 25)*
> *"25. ... some degree of education is necessary to prepare citizens to participate effectively and intelligently in our open political system if we are to preserve freedom and independence."*
>
> *36. Education becomes a basic tool for individuals to lead an economically productive life. An economically productive life of the individual not only improves the quality of life of the individual and his family but also contributes to some extent to the benefit of the society at large. Production of goods and services to a large extent depend upon the availability of technically qualified human resources. Technical education therefore has the potential to directly contribute to the economic prosperity of a technically qualified individual as well as the society.*
> .....
> .....

1 (2017) 4 SCC 449

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> *39. Education is an important factor for maintaining democracy and the economic well-being of the society. Therefore, the Constitution of India bestows considerable attention to the field of education. It recognises the need for regulating the various facets of activity of education and also the need for not only establishing and administering educational institutions but also providing financial support for the educational institutions run by private/non-State actors.*
>
> .....
>
> .....
>
> .....
>
> *52. The expression "education" occurring under Schedule VII List III Entry 25 of the Constitution takes within its sweep the authority to legislate with respect to every aspect of education including establishment and administration of educational institutions such as schools, colleges, etc. Administration of an educational institution has mainly two facets : (i) imparting of knowledge, and (ii) maintaining the necessary infrastructure for providing the venue and other facilities for imparting of knowledge. To perform the twin functions, manpower is required. Such manpower consists of two classes of persons, teaching staff and non-teaching staff."*
>
> *(emphasis supplied)*

8. Certain important observations of the Madras High Court in the case of ***S. Ramesh vs. The Bharathidasan University and Others***[2] dealing with similar issue in the context of Model College reads as under:-

> *"25. This Court intends to visualise the situation in a different angle. Education is the most important factor for the development of any society in general and plays a very significant role for socio-economic progress of a country in particular. It is the prime responsibility of the Government to provide all facilities to the education sector at all levels, i.e., primary, secondary and higher level. To impart education at a higher level, institutions like Universities were being established across the country. Universities are centres for higher learning. Higher education institutions like Universities are supposed to give qualitative education. In higher education dimensions are important, i.e., (i) teaching; (ii)*

2 Writ Petition (MD) No. 7755 of 2014 decided on 12.12.2023

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*research; and (iii) training. To impart all these three, the most important basic need is a good teaching faculty. university Grants Commission is time and again giving directions to all the Universities to provide good faculty to the students for imparting qualitative higher education. Qualitative education is the most important factor in order to face the challenges with all changes in the society. But, unfortunately, several Universities are suffering with several issues in importing qualitative education and primarily, Universities are suffering with lack of good faculty in required number.*

*26. By non-filling of the vacancies of sanctioned posts by qualified persons on permanent basis in the educational institutions, the ultimate sufferers would be the students studying in such educational institutions. This ultimately hampers the future of the students studying in those institutions because, they cannot choose or settle in their life facing challenges in the society, because of the low quality education, due to lack of proper teaching faculty. In fact, all State Universities and Government Colleges are started to impart higher education with low costs. Normally, students hail from SC, ST, OBC, EWS, Minorities and other financially weaker sections of the society choose State funded Universities due to their socio-economic conditions. After knowing the fact of lack of proper teaching faculty in that university/College, the students cannot move on better institutions with good faculty paying higher fees. Ultimately, they are forced to continue in the said educational institutions, though there is no qualified teaching faculty and though they are not getting qualitative education.*

*27. Parents admit their children with great belief that they get quality education and their children will be settled in the society in a good position with a bright future. If qualified persons are not appointed as faculty in the educational institutions, students will not get qualitative education, which includes teaching research-training. This gives ultimately results in low or average performances of the students in various employment opportunities. For example, if guest faculty is teaching law students in Law Universities/Law Colleges, without much commitments and frustrations about their career, then how one can expect that a law student of that institution will perform better as a Lawyer in the Court and to take judicial examinations. Definitely his/her performance will be low. Every student is entitled to get qualitative education as a Right.*

*28. …….*

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> *29. This Court cannot ignore the fact that at present, most of the Universities/higher educational institutions are imparting higher education with adhoc and guest faculty. Timely recruitment of teaching faculty on permanent basis is the primary factor in imparting of qualitative education in universities. The present situation is so miserable in connection with the students in imparting quality education with the adhoc teaching faculty. There are different categories in teaching posts such as Assistant Professors, Associate Professors and Professors on permanent basis. The Universities, instead of appointing teaching faculty on permanent basis, they are making temporary arrangements, such as guest faculty, teaching assistants, academic consultants, adhoc faculty and Assistant Professors on contract basis. Many Universities are following the method to make temporary teaching arrangements. Because of these situations, several issues are coming out from the system. Most of the Universities in the country are under such situation of not having full permanent faculty. The system results several severe issues, which are dangerous to the students, parents, faculty to the institutions and ultimately to the society."*
>
> *(emphasis supplied)*

Brief Facts :-

**9.** University Grants Commission (UGC) pursuant to announcement of the Hon'ble Prime Minister tabled a report for setting up 374 Model Colleges in districts across India with low Gross Enrollment Ratio (GER). On 29.06.2011, respondent no. 3 –UGC released grant-in-aid to respondent no. 2 – university for setting up of new Model College at Ghansawangi, District – Jalna in the State of Maharashtra. The grant approved was for Rs. 2.67 crore and the amount released was Rs. 1.33 crore.

Sailent Features of Model College as per the UGC Report :

**10.** The salient features of the above UGC report, on the basis of which the Model Colleges were established, are as under :-

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(i) Model Colleges were to be established as "constituent colleges" of the respective universities within whose jurisdiction the colleges would fall and are to be maintained and nurtured by the respective universities academically, administratively and financially, facilitating flexibility and freedom for the colleges in all their academic functions. The model was designed in such a way that these colleges would eventually evolve as "autonomous colleges" of the respective universities within a period of five years.

(ii) The budgetary requirement for setting up these colleges was bifurcated into capital costs to be shared by the State and the Centre in certain ratio, and recurring expenditure, to be borne by the State. The Committee budgeted Rs. 1 crore towards salaries and hiring charges and Rs. 50 lakhs towards running and maintenance requirements as recurring expenditure.

(iii) The State Government was required to bear the entire recurring annual expenditure for maintaining these colleges.

(iv) The report records that though economic growth was over 9% of GDP, the GER was too low to sustain such economic growth and enable the country to remain competitive in the globalized economy. Therefore, a GER of at least 25% was targeted by establishing these colleges to sustain 9% GDP growth rate.

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(v) The curriculum of these colleges would be skill-based, facilitating the transformation of our higher education system into learner-centric teaching, analytical learning and an objective evaluation process from the existing teacher-centric, memory-cramming examination process.

(vi) The objective of establishing Model Colleges was to improve supply constraints arising from the paucity of an adequate number of colleges. These colleges were to be located in areas of districts having no college within a radius of 10 kilometers. A new college would be permitted in such an area only if the existing college had more than 1,000 students or there was no separate college for women within a radius of 10 kilometers.

(vii) These colleges were to be treated as "constituent colleges". Constituent colleges are defined as colleges established, maintained and nurtured by the universities themselves academically, administratively and financially. The advantage of the "constituent college" system is autonomy, flexibility and freedom to introduce innovations in curriculum development, the teaching-learning process and examination methodology without significant time lag. All student and faculty development programs are automatically made available to the students and

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teachers of these colleges, resulting in imparting of higher-quality education.

(viii) The curriculum was to be designed keeping in mind the objective of creating not only job seekers but also job creators.

(ix) The curriculum was divided into three broad categories, namely, language curriculum, major curriculum and life skills curriculum.

(x) The colleges were to be based on good governance in education by recognizing certain parameters that characterise good governance in higher education. Financial freedom was one such parameter. The report states that financial freedom means not only the availability of funds on a consistent basis but also the freedom given to the local administration of the college, headed by the Principal, to make timely and efficient use of such funds for achieving the stated goals. The proposed colleges cannot be treated as another set of departments strictly controlled by the finance departments of the universities.

(xi) Faculty appointments and appointments of the Principal, Dean of Academic Affairs and Heads of Departments were to be made by independent appointment committees constituted in accordance with the prevailing norms of the university concerned. The recommended composition of the Committee included the Principal, Dean of Academic Affairs, Head of Department, a

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member nominated by the Vice-Chancellor, a member nominated by the Directorate of Collegiate Education and the Finance Officer.

(xii) The academic infrastructure with regard to faculty was designed to provide at least 50 faculty members for a multi-faculty co-educational college and at least 25 faculty members for a multi-faculty women's college. The teacher-student ratio was recommended at 1:20, and the ratio of teaching to non-teaching staff was recommended at 1:1. The estimate of salary was made on this count of Rs. 1.50 crores.

(xiii) The recurring expenditure was to be borne entirely by the State Government. The Committee also recommended that the State Government's liability under this model was significant, both in providing the required land and in meeting the entire recurring annual expenditure for maintaining these colleges. The said funding pattern would facilitate greater success in implementing the prestigious and innovative project for expanding high-quality higher education through the State Governments and universities.

**11.** On 14.03.2013, a Government Resolution (GR) was issued by respondent no. 1 – State in relation to setting up of Model Colleges in 7 districts of the State. By this GR, permission was granted for setting up

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of Model Colleges in 7 districts. In the present petition, we are concerned with the college in Jalna District at Ghansawangi. In the said GR, it is mentioned that the total cost of setting up the college, would be Rs. 8 crore which would be borne by the Central and State Government in the ratio of 1/3rd and 2/3rd, respectively. In the said GR, it is further stated that if the cost exceeds Rs. 8 crore, then the concerned university will bear the expenses. The annual expenses were estimated at Rs. 1.50 crore, which consisted of Rs. 1 crore towards salary and Rs. 50 lakhs towards other recurring expenses. The said Rs. 1.50 crore would be borne by the State Government. These figures are picked up from the estimates made by the committee set-up to establish Model Colleges across India. In the said GR, it is further stated that employees of the Model College will be employees of the university and the university will send the proposal to respondent no. 1 – State for approval of the staff of the Model College. It is further stated that the responsibility for the appointment of employees of the Model College will be of the university. In the said GR, it is further stated that a Committee comprising Vice-Chancellor and others would be constituted for running the Model College.

**12.** Pursuant to above, respondent no. 2 – university issued advertisements in newspaper from 2011 onwards for recruitment of Assistant Professors posts for 11 months. In the said advertisement, it

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was specifically mentioned that the pay-scale and service conditions would be applicable as per the rules of the university. Such advertisements were issued every year since 2011. Pursuant to the said advertisements, appointment letters were issued by the university to the petitioners or earlier appointment were extended from time to time. The said appointment letters stated that the petitioners were appointed on temporary basis on a consolidated salary for ongoing academic semester only and that the petitioners would not be entitled to any other allowance. It is further stated that the petitioner will not be considered for any permanency benefits and that the services shall be on purely temporary basis on consolidated salary and would be liable for termination without any notice, if the work is found unsatisfactory. Such appointment letters were issued every year to the petitioners after giving a technical break. The petitioners having spent more than 10-12 years, made a representation to respondent no. 2 – university for regularisation and permanency. However, having failed to receive any positive response from the university, the petitioners have knocked the doors of this Court seeking the prayers reproduced herein-above.

**13.** It is relevant to note order dated 17.02.2026 passed by the Division Bench of their Lordships Hon'ble Shri. Justice Sant and Justice Ghodeswar in Writ Petition No. 4724 of 2016 and connected matters which reads as under :-

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*"1. Heard the learned Senior Advocate Mr. N. B. Khandare in Writ Petition No. 4724/2016 and Ms. Pradnya Talekar holding for Talekar and Associates in Writ Petition No. 5111/2019.*

*2. The scheme is introduced by the Respondent No.3-university Grants Commission (for short "UGC") to establish Model Colleges in the country in the District, where the percentage of student is below the national average. In the State of Maharashtra, 7 such colleges were to be established. The State of Maharashtra also introduced the scheme, under which the colleges are to be established as university colleges and are to be regulated by the university and as per the statutes, initial funds are provided by the UGC, Rs. 8 (Eight) crores per college. For subsequent years, it is for the State Government to provide the funds. Presently there are teachers of two colleges before this Court who are appointed long back in the year 2011, who have still not been made permanent. So far as Writ Petition No.5111/2019 is concerned, they are not even in services as of now. In W.P. No. 4724/2016, they are in service, by virtue of interim order passed by this Court. Even Writ Petition No.7304/2020, there is no protection as the teachers are out of job as of now. In W.P. No 5111/2019, there is no protection, still they are not getting job as of now. Before granting interim order, they were already relieved and as of now they are not in service. During the course of argument, our attention has been invited to the order dated 30.09.2021 passed by the Division Bench, headed by Hon'ble Chief Justice in Writ Petition No.5111/2019, wherein paragraph Nos. 5 and 6 read as under :*

> *"5. We are of the view that once it has been decided to create a college for the purpose of imparting education to the students and necessary steps having been taken from the 2014-15 academic year to appoint the petitioners, it is indeed unfortunate that till this date, no decision has been taken on sanction of teaching posts. Be that as it may, keeping in abeyance our decision on the points that have been urged by Miss Talekar in support of the relief claimed, we wish to invite the Government to place before us a report on the feasibility of sanctioning teaching posts for the College based on whatever report is submitted by the Joint Director, Higher Education in terms of the suggestions of the Committee constituted under the Government Resolution dated 22.04.2019.*
>
> *6. Hearing of this writ petition stands adjourned for a period of three months. The Government shall take an appropriate decision at the appropriate level regarding sanction of teaching posts and place a report to this effect before the appropriate Bench on 05.01.2022, when this writ petition may be listed once again subject to convenience of Their Lordships."*

*3. It is shockingly seen that, inspite of this, till now the Government has not taken any steps to provide benefits of permanency and to provide funds. On the contrary, affidavits-in-reply are filed, justifying*

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*as to how they cannot create the posts on permanent basis for the reasons of paucity of funds.*

*4. This Court finds it difficult to understand as to how welfare Government is not paying attention to the basic needs of the society of education and welfare activities. From the scheme itself it is clear that such colleges are established by identifying the Districts, where the percentage is below the national average. This is all the more reason, why Government should in fact pay some more attention and sanction the posts, funds etc. It is painfully noted that, on the contrary, the government is justifying their stand of not making the post permanent. There are three affidavits-in-reply filed in Writ Petition No.5111/2019. The last one is filed on 02.05.2024, by the Joint Director, Higher Education, Nanded. The justification is also that they have sanctioned Rs. 1 crores 50 Lakhs per year. Rs. 1 crores for salary of teaching and non-teaching staff and Rs. 50 Lakhs for other facilities. This also again shows that, the government is paying less salary than the pay scale. On one hand government poses to establish Model College and on the other hand is not spending sufficient amount and depriving teachers from getting permanency and salary as per pay scale. In this view of the matter, we find that the stand of the government is required to be brought before this Court. We, therefore, direct the Principal Secretary of Higher Education Department to file affidavit-in-reply within four weeks from today without fail. The copy to other side be given in advance.*

*5. The petition be placed on board dated 17.03.2026 in urgent category.*

*6. The affidavit-in-reply also to state about the compliance of order dated 18.03.2024 in Writ Petition No. 5111/2019.*

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

*(emphasis applied)*

<u>Submissions of senior counsel Mr. Khandare in Writ Petition No. 4724 of 2016</u> :-

14. Learned senior counsel took us through the documents filed alongwith the petition and submitted that the petitioners are duly qualified and were duly appointed pursuant to the advertisement and in a meeting of the committee consisting of Vice Chancellor, Director of

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Higher Education, Principal etc. and pleaded that appointment is in accordance with law and not illegal.

**15.** He further submitted that the Model College – respondent no. 4 is a part of the university and its employees are employees of the university. He submitted that all employees of the university including the employees of the Model College formed one class but still were not being regularised and the salary paid to them is much lower than those paid to the other employees of the university for doing same work. Learned senior counsel, therefore, submitted that equals are treated unequally, which is contrary to Article 14 of the Constitution of India.

**16.** Learned senior counsel further placed reliance on Article 16 of the Constitution of India which provides for equality in matters of public employment. He submitted that the action of the respondents of giving unequal treatment to the employees of the Model College violates Article 16 of the Constitution of India. He submitted that respondent no. 1 – State had directed the university not to make the employees of the Model College permanent. Learned senior counsel submitted that this is akin to an unfair trade practice being adopted by the State and the university.

**17.** Learned senior counsel further submitted that the petitioners in middle of their career, cannot leave their present job and, therefore, seeks continuation / back-wages and regularisation of their

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employment. He further pleaded doctrine of promissory estoppel and legitimate expectation in support of the petition.

**18.** Learned senior counsel relied upon following decisions in support of his submissions :-

i. *Dharam Singh and others vs. State of U.P. and another*[3],

ii. *Jaggo vs. Union of India and others*[4],

iii. *Bhola Nath vs. State of Jharkhand and others*[5],

iv. *Mahesh S/o Chandrakant Bhagat and others vs. The State of Maharashtra and others*[6]

**Writ Petition Nos. 5131 of 2016 and 7009 of 2023 :-**

**19.** Mr. Khandare submitted that Writ Petition No. 5131 of 2016 is based on identical facts but it relates to the non-teaching staff and Writ Petition No. 7009 of 2023 relates to Lab Assistant. Except this, the facts are similar to those in the lead matter.

**Submissions of Ms. Pradnya Talekar, learned counsel in Writ Petition No. 5111 of 2019 :-**

**20.** Ms. Talekar appearing for petitioners working at Model College at Hingoli submitted that the petitioners at the time of filing the petition have worked for the said college for period ranging from 3-1/2 to 6 years. She submitted that respondent no. 1 – State undertook to bear the recurring expenses and, therefore, today the State cannot be heard to say that they will not contribute more than what was stated in

3 2025 SCC OnLine SC 1735

4 2024 SCC OnLine SC 3826

5 2026 SCC OnLine SC 129

6 Writ Petition No. 3489 of 2015 (Judgment dated 23.01.2026 – Aurangabad Bench)

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the GR dated 14.03.2013. She submitted that the posts are deemed to have been sanctioned on account of proposal pending before the State for more than a decade.

**21.** She further submitted that process of direct selection has been adopted by the State. She submitted that the jobs of the petitioners are of permanent nature. She submitted that amount specified in 2013 GR cannot be stagnated or frozen but has to be increased on account of inflation over a period of time. She further relied upon the UGC report annexed to the petition, explaining the background and circumstances in which the Model Colleges came to be set up. She submitted that the State Government undertook to meet all the recurring expenses and, therefore, it cannot shy away from its obligation today.

**22.** She further relied upon the objective of setting up the Model Colleges for providing education through teachers of national and international standards in terms of teaching and research. Ms. Talekar also relied upon the advertisement for recruitment and submitted that the petitioners were duly appointed in accordance with law. Ms. Talekar also referred to various newspaper photographs to show that the petitioners were working with the Model Colleges till 2019. She submitted that merely because no interim relief was granted in her petition, that would not come in the way of this Court allowing the petition for back-wages and regularisation of services. Ms. Talekar,

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therefore, adopting the arguments of learned senior counsel Mr. Khandare and making further submissions recorded above, prayed for the petitions to be allowed.

**23.** Learned counsel Ms. Talekar relied upon following decisions in support of her submissions :

i. *State of Punjab and Others vs. Jagjit Singh and others*[7],

ii. *Secretary, State of Karnataka and others vs. Umadevi (3) and other*[8],

iii. *State of Karnataka and others vs. M.L. Kesar and others*[9],

iv. *Sachin Ambadas Dawale and others vs. State of Maharashtra and another*[10],

v. *Narendra Kumar Tiwari and others vs. State of Jharkhand and others* [11],

vi. *Sheo Narain Nagar and others vs. State of U.P. and another*[12],

vii. *Pandurang Sitaram Jadhav and others vs. State of Maharashtra and another* [13],

viii. *Vinod Kumar and others vs. Union of India and others*[14],

ix. *Ushaben Joshi vs. Union of India and Others*[15],

x. *Jaggo (supra)*

xi. *Shripal and Another vs. Nagar Nigam, Ghaziabad*[16],

xii. *Dharam Singh (Supra)*

xiii. *Madhukar S/O Bhavanrao Sadgir and Others vs. State of Maharashtra and Others* [17],

7 (2017) 1 SCC 148
8 (2006) 4 SCC 1
9 (2010) 9 SCC 247
10 2013 SCC OnLine Bom 1670
11 (2018) 8 SCC 238
12 (2018) 13 SCC 432
13 (2020) 17 SCC 393
14 (2024) 9 SCC 327
15 2024 SCC OnLine SC 2277
16 2025 SCC OnLine SC 221
17 2018 SCC OnLine Bom 15917

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xiv. *Bhola Nath (supra)*

xv. *Pawan Kumar and Others vs. Union of India and Others* [18],

xvi. *Chief Conservator of Forests and another vs. Jagannath Maruti Kondhare and another*[19],

xvii. *State of Haryana and others vs. Piara Singh and others*[20],

xviii. *Manish Gupta and another vs. Jan Bhagidari Samiti and others*[21],

xix. *Anil Laxman Telang vs. State of Maharashtra*[22]

xx. *Shah Samir Bharatbhai and others vs. State of Gujrat and others*[23]

xxi. *Sandip Ganpat Hadbal and others vs. State of Maharashtra and others*[24]

xxii. *Balaji S/O Kishan Ade and others vs. State of Maharashtra and others*[25]

Submissions of Mr. S. B. Ghatol Patil in Writ Petition No. 7304 of 2016 :-

**24.** Mr. S. B. Ghatol Patil, learned counsel appearing for the petitioner adopts the submissions made by Mr. Khandare, learned senior counsel and Ms. Talekar in other matters. He further submits that by advertisement dated 07.05.2012, for recruitment of an Assistant Professor to teach Applied Biotechnology subject, the petitioner was appointed in the open category on temporary basis for 5 years. The petitioner had all the qualifications to be appointed for the said post. The Swami Ramanand Teerth Marathwada University had issued an

18 2026 SCC OnLine SC 200
19 (1996) 2 SCC 293
20 (1992) 4 SCC 118
21 (2022) 15 SCC 540
22 2013 SCC OnLine Bom 1670
23 Civil Appeal No. of 2025 arising out of SLP (C) No. 1347 of 2024 decided on 22.08.2025
24 Writ Petition No. 13177 of 2023 order dated 29.11.2024 passed by High Court of Bombay at Principal Seat
25 Writ Petition No. 7106 of 2013 dated 09.05.2014 passed by High Court of Bombay Bench at Aurangabad

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appointment letter to the petitioner. The said appointment was renewed every year by issuing fresh appointment letter by the university. Subsequent appointment letters specifically state that it is an extension of earlier appointment. Learned counsel, referring to the rejoinder dated 19.10.2020 relied upon the letter issued by the university, wherein the petitioner has been appointed as a Chairman / paper setter for the paper - Basics of Bio Science. Learned counsel submits that even today, he is working without pay. Learned counsel for the petitioner, therefore, prayed for the reliefs sought in the petition, to be allowed by regularising the services of the petitioner at the pay-scale prescribed for the post of Assistant Professor and granting all consequential benefits arising therefrom.

Submissions of Mr. Girase, learned Government Pleader for the State :-

**25.** The learned Government Pleader opposing the petitions made his submissions on the basis of documents annexed to the Writ Petition No. 7304 of 2020. The learned Government Pleader, in his written notes of arguments gave background under what circumstances, the Model Colleges were set up in educationally backward districts of the country. He submitted that the purpose of setting up the Model Colleges was to increase access to higher education in the educationally backward districts and to train the students for job-oriented courses.

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**26.** He submitted that the Model Colleges were designed to become autonomous colleges after a period of 5 years by standing on their own feet and, therefore, the assistance was to be provided for the period of initial 5 years only by the State. However, these colleges could not stand on their own feet after completion of 5 years but the State continued to give financial assistance of Rs. 1.50 crore, as provided in 2013 GR even after 5 years. The learned Government Pleader referred to provisions of the Maharashtra Universities Act, 1994 (**1994 Act**) and Maharashtra Public Universities Act, 2016 (**2016 Act**) and more particularly, the provisions relating to definition of 'teacher' and the appointments of teaching and non-teaching staff. The learned Government Pleader submitted that the petitioners are not "teachers" as defined under the said Acts and are also not appointed in accordance with the provisions of the said Acts and, therefore, they cannot claim permanency and regularisation.

**27.** The learned Government Pleader submitted that the petitioners by accepting the appointment letters have accepted that they are employed only for a temporary period without any benefits of regularisation or permanency. He submitted that after having agreed to the said appointment, the petitioners cannot turn around today and seek regularisation and demand pay-scale as per the UGC pay-scale. Learned Government Pleader submitted that in the advertisement itself, it was

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stated that the recruitment is for a temporary period and at a consolidated salary.

**28.** The learned Government Pleader produced a letter dated 03.09.2009 issued by the UGC to the Higher Education Secretaries of all the States. Relying upon paragraphs 4 and 7 and format of undertaking annexed thereto, he submitted that the undertaking by the State Government to grant financial assistance on account of recurring expenses was only to the extent of Rs. 1.50 crore. He submitted that if the regularisation is granted and the pay-scale applicable to the employees of the UGC is applied, then there would be a huge financial burden on the State Government, contrary to the undertaking given as per the said letter of 03.09.2009. The learned Government Pleader further handed over charts of various colleges in those regions and submitted that now there are enough colleges in these districts and that there is no necessity to continue these colleges since the students are dwindling in Model Colleges.

**29.** The learned Government Pleader submitted that this Court cannot create a post nor this Court can issue a direction to absorb the teachers or continue them in service or pay them salaries of regular employees as those are purely executive functions and the Court cannot arrogate to itself the powers of the executive or legislature.

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He submitted that in the absence of any sanctioned post, the prayer sought for by the petitioners cannot be granted.

**30.** The learned Government Pleader, referring to the GR dated 14.03.2013 and more particularly, paragraph 3 of the said resolution submitted that the petitioners were not appointed pursuant to any advertisement and/or by the duly constituted Committee as per Section 102 of the 2016 Act or Sections 76 and 77 of the 1994 Act. He submitted that the appointment letter itself states that the appointment is temporary and benefit of permanency will not be accorded to the petitioner. Learned Government Pleader relied upon the decisions in the case of ***Chief Commissioner of Income Tax, Bhopal and others vs. Leena Jain and others***[26], ***Madan Singh and others vs. State of Haryana and others***[27] and submitted that the pay-scale cannot be given retrospective effect.

**31.** The learned Government Pleader further submitted that the decisions of the Hon'ble Supreme Court relied upon by the learned senior counsel Mr. Khandare in the case of ***Dharam Singh (supra), Jaggo (supra)*** and ***Bhola Nath (supra)*** did not consider the earlier decisions of the Hon'ble Supreme Court wherein it was held that the Court cannot direct the creation of posts and regularisation of services. He, therefore,

26 (2006) 11 SCC 350
27 2026 LiveLaw (SC) 390

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submitted that the decision relied upon by the learned senior counsel cannot be made applicable to the present case.

**32.** The learned Government Pleader referring to various paragraphs of UGC Scheme and the GR of 14.03.2013 submitted that the objective for setting up these colleges was to make these colleges not only academically autonomous but also financially independent within period of five years. He also drew support for this submission by relying upon Section 2(5) of 1994 Act which defines "Autonomy". He submitted that the UGC Scheme provides for budgeted figure and read with letter dated 03.09.2009 and more particularly the undertaking given by the State. The undertaking itself provides for same being in consonance with UGC Scheme. He submitted that the GR of 14.03.2013 itself provides that the State would contribute maximum of Rs. 1 crore towards salary and Rs. 0.50 crore towards other recurring expenses. The learned counsel further submitted that Section 8(1) of the 1994 Act has to be read alongwith Section 5(9) and, therefore, the posts cannot be created without prior approval of the State, which is statutory mandate. He submitted that the purpose of setting up Model College was student centric and not employee centric. He submitted that steps are being taken by the State to introduce job orientated courses to make such colleges viable in next 5 years.

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**33.** The learned Government Pleader relied upon following decisions in support of his submissions and pleaded for dismissal of the petitions :-

i. *Mahatma Phule Agriculture University and others vs. Nashik Zilla Sheth Kamgar and others*[28]

ii. *State of Maharashtra and another vs. R.S. Bhonde and others*[29]

iii. *Indian Drugs and Pharmaceuticals Ltd. vs. Workmen, Indian Drugs and Pharmaceuticals Ltd.*[30]

iv. *Divisional Manager, Aravali Golf Club and Another vs. Chander Hass and Another*[31]

v. *Maharashtra State Road Transport Corporation and Another vs. Castribe Rajya Paravahan Karmachari Sanghatana*[32]

vi. *Rajasthan State Industrial Development and Investment Corporation and Another vs. Diamand and Gem Development Corporation Limited and Another*[33]

vii. *Hari Nandan Prasad and Another vs. Employer I/R to management of food corporation of India And Another*[34]

viii. *Union of India and others vs. ILMO Devi and Another*[35]

ix. *State of Gujarat and others vs. R.J. Pathan and others*[36]

x. *Chief Executive Officer, Z.P. Parishad, Thane and Others vs. Santosh Tukaram Tiware and Others*[37]

xi. *National Insurance Company Limited vs. Pranay Sethi and Others*[38]

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28 (2001) 7 SCC 346
29 (2005) 6 SCC 751
30 (2007) 1 SCC 408
31 (2008) 1 SCC 683
32 (2009) 8 SCC 556
33 (2013) 5 SCC 470
34 (2014) 7 SCC 190
35 (2021) 20 SCC 290
36 (2022) 5 SCC 394
37 (2023) 1 SCC 456
38 (2017) 16 SCC 680

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xii. *Subhash s/o Sukhdev Sahare and Others vs. Nagpur Municipal Corporation*[39]

xiii. *Leena Jain (Supra)*

xiv. *Madan Singh (Supra)*

Submissions of Mr. Tope for the university :-

**34.** Mr. Tope, learned counsel for the university, submitted that the petitioners were not selected in accordance with Section 105 of the Act, 2016 read with Section 2(22) thereof. He submitted that the appointments are only temporary, on a clock-hour basis and for a limited period, and therefore, regularisation cannot be permitted. He submitted that the Model College is maintained and managed by the university. He therefore submitted, adopting the arguments of the learned Government Pleader, that the prayers for regularisation and payment of salary as per the pay-scale cannot be granted.

Rejoinder of learned counsel Ms. Pradnya Talekar :

**35.** Ms. Talekar, in the rejoinder, at the outset, submitted that what is being argued by the State is contrary to their pleadings. She submitted that the Model Colleges were established based on GER and that there was no time limit prescribed of 5 years for grant of financial assistance. She further referred to the UGC Committee report, wherein it was stated that the Model Colleges would be 'constituent colleges' of the Universities. The autonomy was with respect to academic requirements

39 WP No. 4967 of 2023 Order dated 22.12.2025 Nagpur Bench

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and not with regard to financial requirements. It is her submission that it was never the intention of the respondents that these colleges would be financially autonomous.

**36.** Ms. Talekar, learned counsel, further relied upon various paragraphs of the UGC report, wherein it is stated that the Model Colleges should not be treated as another set of departments strictly ruled by the finance department of the Universities. She further stated that as per paragraph 3.3.2.5. of the report, appointments of the petitioners had been made by the appointment committee referred therein and this is admitted in the affidavit of the university. Referring to Paragraphs 3.4.3.1, 3.4.3.7, 4.1.2 and 4.1.4.1 of the report, she submitted that 100% of the recurring expenses have to be borne by the State Government. She submitted that the amount of Rs. 1.5 crore was based on the factors prevailing at the time of establishment of these colleges and same cannot be treated as fixed amount for all times to come.

**37.** Ms. Talekar further submitted that the State has given an undertaking to UGC that it would bear the entire recurring expenses and, therefore, the stand taken today by the State that their liability is restricted to only Rs. 1.50 crore would be a fraud played by the State. Ms. Talekar referred to various paragraphs of GR dated 14.03.2013 and submitted that the question of creation of posts does not arise. The post

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is deemed to have been created and the university has infact, sent the proposal on which the State Government has not taken any decision. She further submitted that the appointments had been made in accordance with the said GR. Ms. Talekar brought to our attention the order dated 30.09.2021 passed in Writ Petition No. 5111 of 2019, wherein this Court had given certain directions with regard to sanctioning of teaching posts and the report to be placed before the Bench.

**38.** She further submitted that the judgments cited by the learned Government Pleader relates to labour dispute and it is in that connection that the Court had observed that it cannot sanction the posts. In the instant case, the scheme itself provides for the sanctioning of the posts upon a proposal being made by the university coupled with the undertaking given by the State to bear the salary and future expenses in its entirety. She submitted that in none of the affidavits filed in these matters, the issue of no post having been sanctioned has been raised. She submitted that the issues raised in these matters are different from the issues which were raised in the decisions relied upon by the learned Government Pleader and, therefore, those decisions cannot be made applicable. She, therefore, concluded by submitting that the submissions made by the learned Government Pleader were required to be rejected.

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**39.** The learned counsel appearing for petitioners Ms. Talekar, referred to orders dated 12.06.2019 and 24.07.2019 and submitted that the petitioners, after challenging the recruitment process post filling of the petition are still teaching in respondent no. 4 – institution. She, therefore, submitted that the submission made by the university on termination does not survive. She further submitted that the petitioners have filed Contempt Petition No. 26 of 2022 for not following the orders of this Court by university.

**Rejoinder by Mr. Khandhare, senior counsel :-**

**40.** In rejoinder, Mr. Khandare, learned senior counsel for the petitioners, relied upon Section 5(9) and (11) of the Act, 1994 and submitted that the power to create posts vests with the university, subject to the prior approval of the State Government. He further relied upon Sections 76 and 77 of the said Act and submitted that these provisions apply to temporary vacancies and not to appointments made for a temporary period, which are extended from time to time. He submitted that temporary vacancies are those which arise on account of regular employees being unavailable for a certain period, for instance, on account of maternity leave, etc. He further submitted that this position is clarified by Sections 102 and 103 of the 2016 Act, which are *pari materia* with Sections 76 and 77 of the 1994 Act.

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**41.** Learned senior counsel further submitted that the Model College is a joint project of the university, the State Government and the Central Government. He referred to the communication dated 02.08.2014, whereby the State Government had directed the university not to fill up the posts on a permanent basis till the proposal submitted to the State Government was cleared. He submitted that the issue before this Court is not regarding creation of posts by this Court and, therefore, the said question does not arise in the present matter. He further referred to the communication dated 28.11.2018, whereby the university had forwarded the proposal to the State Government for approval of the posts and expressed its financial strain on account of no decision being taken by the State in this regard. He, therefore, submitted that the question of seeking any direction from this Court for creation of posts does not arise. He submitted that the State Government cannot keep the proposal pending and, at the same time, contend that in absence of sanctioned posts, the relief sought by the Petitioners cannot be granted.

**42.** Learned senior counsel further submitted that the requisite quorum of the Selection Committee was duly present at the time of appointment of the Petitioners. In any event, he submitted that the appointments cannot be termed illegal, but at the highest, irregular, and such irregularity can always be cured. He relied upon the decision of

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the Hon'ble Supreme Court in the case of ***Somesh Thapliyal and Another vs. Vice Chancellor, H.N.B. Garhwal University and Another***[40] and submitted that, considering the precarious position of the petitioners and the unequal bargaining power between the State and the petitioners, the petitioners had no option but to accept and sign the appointment letters. He, therefore, submitted that, in the facts of the present case, acceptance of the terms and conditions of the appointment letters cannot be held against the petitioners so as to deny their legitimate claim for regularisation and payment of salary as per the UGC pay scale. The learned senior counsel also relied upon paragraphs 88 and 89 of the decision of the Hon'ble Supreme Court in the case of ***Central Inland Water Transport Corporation Ltd. & Another vs. Brojo Nath Ganguly & Another***[41]. He submitted that for making the college autonomous, the first step is to remunerate teacher and other staff according to the pay-scale since it is they who would make the college best place for research and development of the country.

<u>Submissions of Mr. Malte appearing for University in Writ Petition No.5111 of 2019</u> :-

**43.** The learned counsel Mr. Malte, submitted that the petitioners were relieved from their duties vide letter dated 24.04.2019 and, therefore, seeking regularisation of services does not arise. He

40 (2021) 10 SCC 116
41 (1986) 3 SCC 156

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submitted that this termination has not been challenged before this Court or any other Forum.

**44.** We have heard all the counsel for the petitioners and respondents and have perused the pages of the documents brought to our attention by all the parties.

**Analysis and Conclusion :-**

**45.** The issue which is raised for our consideration can be adjudicated and appreciated by referring to the salient features for establishing Model Colleges in India as enshrined in the UGC report.

**46.** The aforesaid report was prepared by an Expert Committee consisting of learned academicians from across the country, pursuant to the announcement of the then Hon'ble Prime Minister of India that the Central Government would help the States to set up Model Colleges to provide high-quality higher education through various programs of study, with emphasis on courses which are in demand by the society in general and the economy in particular to sustain economic growth of 9% per annum.

**Analysis of Affidavits filed by the respondents showing admissions :-**

**47.** Before we analyse the above scheme in the context of the present batch of petitions, it is important to note certain paragraphs

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from the affidavits-in-reply filed by the respondent-State, UGC and the university in various petitions.

**48.** The respondent-university in Writ Petition No. 7304 of 2020, has stated in paragraph 6 of the affidavit of Dr. Vitthal More that, in order to run the Model College, the university had submitted a proposal to the respondent-State for sanctioning the required posts. However, respondent-State has not sanctioned the required posts till date. Therefore, the university appointed candidates to the required posts on a temporary basis. In paragraph 9, the university has further reiterated that the posts of Model College, Hingoli, have not been regularised till date. In paragraph 13 of the said affidavit, it has been further stated that, though the proposal was received by the Finance Department from the Director of the Higher Education of Maharashtra, the State has not yet approved the same. In the said affidavit, the university admits that the appointments were made by the university under Section 77 of the 1994 Act and Section 103 of the 2016 Act albeit on a temporary basis. The petitioners in Writ Petition No. 7304 of 2020, in their rejoinder, have stated that the college/university had sent proposals to the respondent State for sanctioning the required posts in 2011 and 2014. However, till date, the State Government has neither approved nor rejected the said proposals.

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**49.** In Writ Petition No. 7304 of 2020, Dr. Sarjerao Shinde on behalf of respondent nos.2 and 4 filed an affidavit-in-reply, in which in paragraph 5, it is stated that, to run the Model College, the university appointed the staff of the college on temporary basis as per Section 77 of 1994 Act and Section 103 of 2016 Act.

**50.** In Writ Petition No. 5111 of 2019, Dr. Nalini Tembekar, Joint Director of Higher Education, accepts in paragraph 16 that the appointments were made in accordance with the 1994 and 2016 Acts, albeit on a temporary basis. Dr. Nalini Tembekar, in a further affidavit, has admitted in paragraph 6 that proposals for sanctioning the required posts for Model College, Hingoli, were forwarded to the respondent State in 2011 and 2014. However, the respondent State has not taken any decision on the said proposals till date. Therefore, the university appointed candidates to the required posts on a temporary basis by publishing advertisements every year. In paragraph 15, it is further stated that the proposal received from the Director of the State of Maharashtra has been submitted to the Finance Department. However, no approval has been granted till date.

**51.** Dr. Supriya Dahiya, Education Officer, Delhi, has filed an affidavit-in-reply on behalf of respondent no. 3 in Writ Petition No. 5111 of 2019. In paragraph 3, she states that the petitioners were appointed within the ratio prescribed in the project report and, therefore, to the

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very posts which were required to be sanctioned by the State Government as per the GR of 2013. She further states in the said affidavit that the inconsistent policy of ad-hoc appointments and discriminatory pay scales and benefits between contractual and regular employees violate the principles of equality enshrined in Articles 14 and 16 of the Constitution of India. She further states that the workload assigned to the petitioners is exactly the same as that of regular permanent employees, but they are being paid meagre salaries. She further states that, by not appointing teaching staff on a regular basis, the university has played a fraud on the UGC. Dr. Supriya Dahiya, Education Officer, in Writ Petition No. 5111 of 2019, has annexed, along with her affidavit-in-reply, the UGC Regulations concerning appointments on a contractual basis.

**52.** The aforesaid Regulations state that appointments on a contractual basis should be made only when absolutely necessary and when the student-teacher ratio does not satisfy the prescribed norms. In any case, the number of such appointments should not exceed 10% of the total number of faculty positions in a college. The emoluments paid to such contractual teachers should not be less than the salary of a regularly appointed Assistant Professor. Such appointments should not initially be made for more than one academic session, and the

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performance of such teachers should be reviewed before reappointing them on a contractual basis for another session.

**53.** In Writ Petition No. 5111 of 2019, Professor Ramjan Mulani has filed an affidavit-in-reply on behalf of respondent nos. 2 and 4 and in paragraph 8, he has stated that the appointments were made by the Management Council to fill posts on consolidated pay per month since the sanction for the posts were not received for Model College.

**54.** Mr. Prabhakar Harkal on behalf of respondent nos. 2 and 4 has filed an additional affidavit-in-reply and in paragraph 11 has stated that since the regular posts were not sanctioned by the Government, every year on the basis of the strength of the students, an advertisement was published to fill the posts up on a temporary basis in the college from university funds.

**55.** In Writ Petition No. 5111 of 2019, Mr. Kirankumar Bondar has filed additional affidavit-in-reply on behalf of respondent no.1-State and in paragraph 6 has stated that the university can create posts of teaching and non-teaching staff within the consolidated grants provided by the Government amounting to Rs. 1.5 crore per annum. A further affidavit of Mr. B. Venugopal Reddy on behalf of respondent no.1 has been filed in Writ Petition No. 5111 of 2019.

**56.** In Writ Petition No. 4724 of 2016, Dr. Sadhna Pandey on behalf of respondent nos. 2 and 4 has filed an affidavit. In paragraph 7,

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she has stated that the Director of Higher Education directed the university to make temporary appointments until teaching and non-teaching posts are sanctioned by the Government. She further expressly states that there was a direction from the State Government not to make appointments on a regular basis.

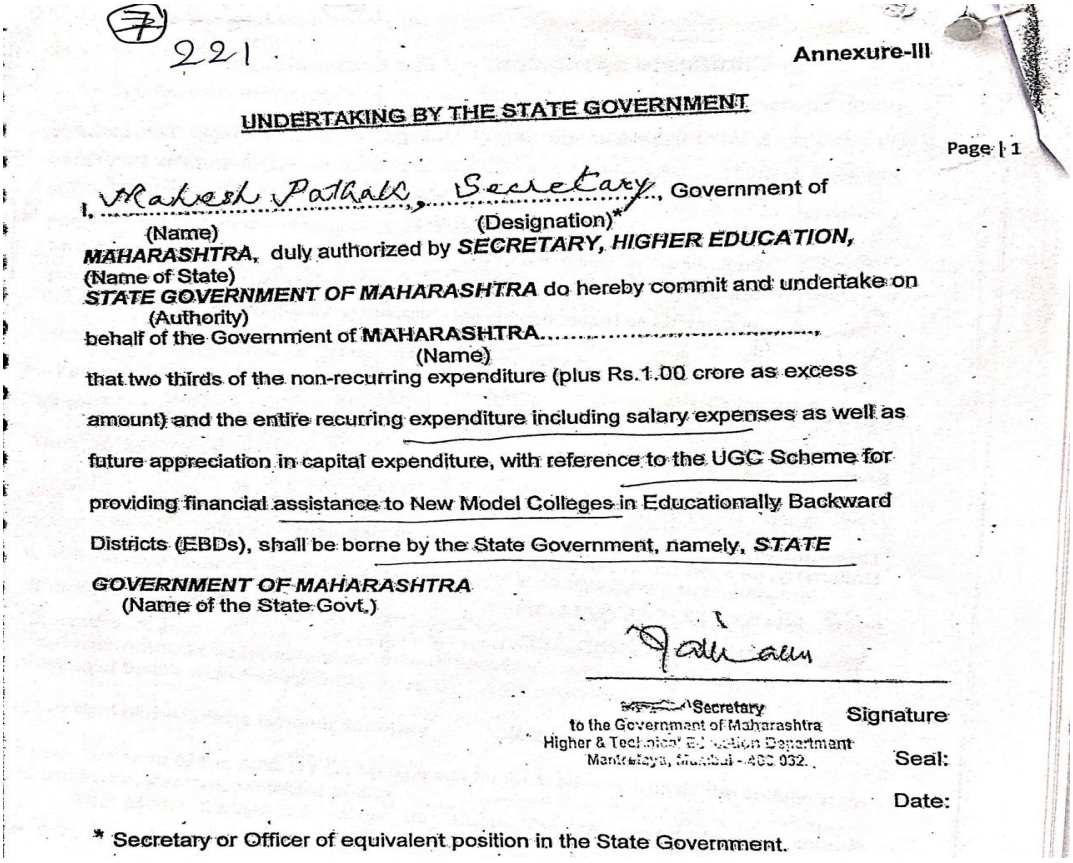
**57.** Dr. Pankaja Waghmare, in her affidavit-in-reply dated 27.07.2026 on behalf of respondent no.1 in Writ Petition No. 4724 of 2016 has stated that in Model College, Ghansawangi 577 students are admitted for which 28 teaching posts are required as per the UGC report stating the student teacher ratio 20:1 is to be maintained. Similarly, in the same affidavit- in-reply Model College, Hingoli, 629 students are admitted and teaching posts as per the said ratio would work out to 31. The learned senior counsel Mr. Khandare for the petitioners, submitted that the number of teachers of are less than the teaching posts stated in the aforesaid affidavit-in-reply insofar as Model College, Ghansawangi is concerned.

**58.** The undertaking given by the State in 2011 and enclosed in Writ Petition No. 4724 of 2016 is reproduced :-

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(7) 221

Annexure-III

UNDERTAKING BY THE STATE GOVERNMENT

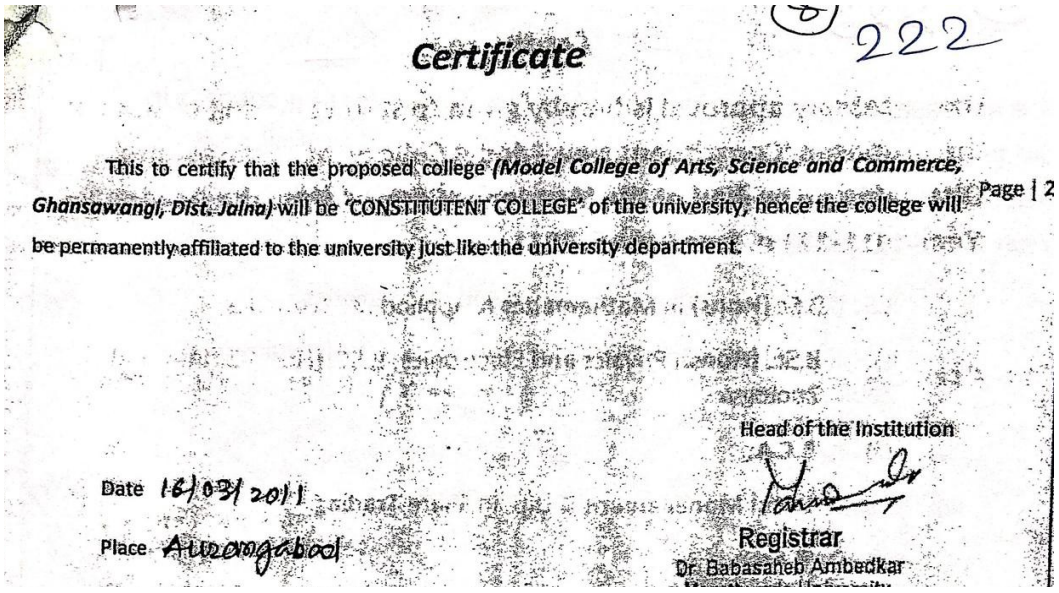
Page | 1

I, Mahesh Pathak, Secretary, Government of
(Name) (Designation)*
MAHARASHTRA, duly authorized by SECRETARY, HIGHER EDUCATION,
(Name of State)
STATE GOVERNMENT OF MAHARASHTRA do hereby commit and undertake on
(Authority)
behalf of the Government of MAHARASHTRA.....
(Name)
that two thirds of the non-recurring expenditure (plus Rs.1.00 crore as excess amount) and the entire recurring expenditure including salary expenses as well as future appreciation in capital expenditure, with reference to the UGC Scheme for providing financial assistance to New Model Colleges in Educationally Backward Districts (EBDs), shall be borne by the State Government, namely, STATE GOVERNMENT OF MAHARASHTRA
(Name of the State Govt.)

Secretary
to the Government of Maharashtra
Higher & Technical Education Department
Mantralaya, Mumbai - 400 032.

Signature
Seal:
Date:

* Secretary or Officer of equivalent position in the State Government.



(8) 222

Certificate

This to certify that the proposed college (Model College of Arts, Science and Commerce, Ghansawangi, Dist. Jalna) will be 'CONSTITUTENT COLLEGE' of the university, hence the college will be permanently affiliated to the university just like the university department.

Page | 2

Head of the Institution

Date 16/03/2011

Place Aurangabad

Registrar
Dr. Babasaheb Ambedkar

Consideration of the issues :-

**59.** With the above salient features of the report on the basis of which the Model Colleges were established, and the admissions made by

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the respondents referred to herein-above, we now propose to adjudicate the issues raised for our consideration, which are as under:

(1) Whether the petitioners are entitled to regularisation of their services ?

(2) Whether the petitioners are entitled to payment of salary in the applicable pay scale from their respective dates of appointment ?

**60.** The first issue which requires adjudication by this Court is whether the submission made by the State that the appointments are not in accordance with provisions of Sections 76 and 77 of the 1994 Act and Sections 102 and 103 of the 2016 Act is correct or not.

**61.** The appointments of the petitioners were made by way of advertisement. There is no dispute that the advertisement mentioned that the vacancy is for temporary period of 11 months. It is also important to note that in the advertisement issued by Ghansawangi College it is mentioned that the pay scale and service conditions would be as per rules of the university and the Government of Maharashtra. In the appointment order issued by the university and annexed to Writ Petition No. 7304 of 2020, it is expressly stated that the appointment is based on the recommendation of the selection committee pursuant to an advertisement and based on the performance at the interview. There is no dispute that the petitioners have requisite academic qualifications for

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the posts to which they are appointed. The advertisement notice expressly provides for reservations by bifurcating the posts between reserved and unreserved candidates. The advertisement expressly states the number of posts. It is only after this procedure was followed that the petitioners came to be appointed as teachers.

**62.** The petitioners' employment was extended every year by giving extension after a short technical break. This demonstrates that there is a requirement of these petitioners to teach in the Model College. The university had sent the proposal for sanction of the post for approval to the State Government, which till today has not been acted upon by the State. The State Government admits that these proposals were received but because no action was taken, it had directed the university to make appointment on temporary basis. At no stage, the State Government has stated that the proposals will not be considered favourably. In these circumstances, the petitioners would be justified in relying upon the conduct of the respondents to invoke the principles of promissory estoppel and in any case, even if the said principle is not applicable, the petitioners would be justified in seeking regularisation and payment as per pay scale based on the doctrine of legitimate expectation. The continuous renewal over such a long period of time by giving a technical break was nothing but indirectly doing what is otherwise prohibited directly. This certainly cannot be expected from a

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welfare State and more particularly from one of the most developed State of the country.

**63.** The State and Universities in its various affidavits in reply various petitions as analysed hereinabove have accepted that the appointments of the petitioners are made under Sections 77 and 103 of the 1994 and 2016 Act respectively, but the same were on a temporary basis. In our view, Sections 76 and 77 of the 1994 Act does not make a distinction between appointment of teachers on a permanent or temporary basis.

**64.** As regards the contention that Section 77 of the 1994 Act provides for appointment to a temporary vacancy for a period of one year is concerned, in our view, same is not applicable to the facts of the present case. The phrase “temporary vacancy” used in Section 77 takes its colour from the word “on” preceding the said phrase. It means that some person is occupying a particular post and is not available for temporary period and the appointments are made to fill up temporary vacancy in his/her place under Section 77 of the 1994 Act.

**65.** Therefore, the submission that these appointments are to fill temporary vacancies is not justified. Nothing has been shown to us to establish that prior to these appointments, these posts were occupied by some other persons and that on account of such persons not being available for a temporary period, the vacancies arose which were

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created subsequently filled by the appointment of the petitioners. The term "vacancy" would not include appointments on a temporary basis.

66. Section 103 of the 2016 Act gives a clue for interpretation of the phrase "temporary vacancy". Section 103(1) provides that temporary vacancy arises because of resignation, leave or any reason whatsoever. One more example could be that of a teacher going on a maternity leave. The phrase "any reason whatsoever" takes its colour from preceding words by applying principle of ejusdem generis and, therefore, cannot mean all the reasons whatsoever. It is in only those circumstances that the regular teachers are not available and a vacancy arises, which is filled by appointing a person to such post for a temporary period that the phrase temporary vacancy is to be understood. Therefore, in our view, on a reading of Sections 76 and 77 of 1994 Act and Sections 102 and 103 of 2016 Act, the submission made by the State that these appointments are not made under these provisions cannot be accepted.

67. Admittedly, on a reading of the appointment letter and on the basis of the admissions made by the respondents in affidavits in reply the work performed by the petitioners is same as that of a regular teacher. In our view, the petitioners would fall within the definition of a "university teacher" as defined in Sections 2(41) read with 2(34) of the 1994 Act. Similar definition exists in 2016 Act in section 2(61) and

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section 2(68). It is not the case of the respondents that these petitioners are appointed on part-time basis. Furthermore, on a reading of the appointment letter the petitioners are working on a full-time basis for the college. Therefore, these petitioners would fall within the meaning of "teacher" and "university teacher" as defined in the 1994 and 2016 Acts.

68. The submission made that the appointments were not made by a committee as contemplated in Sections 77 or 102 and 103 of the 1994 and 2016 Acts respectively is concerned same also cannot be accepted. Assuming that there is any defect in the constitution of the committee, Section 111 of the 1994 Act and Section 143 of the 2016 Act provides that any act and proceedings of such committees shall not be treated as invalid on the ground that there is a defect in the constitution of the committee. These provisions are based on the principle akin to doctrine of indoor management, which is generally evolved and used in corporate law. Therefore, even assuming that there is some defect in the constitution of the committee, the appointments made by these committees cannot be treated as invalid moreso when the respondents were aware of these appointments for such a long period and had not raised any objection at any point of time prior to filing of these petitions.

69. In Writ Petition No. 4724 of 2016, the constitution of the committee through which the petitioners have been appointed is

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specified. The committee consisted of Vice-chancellor, Vice-chancellor's nominee, subject expert, director of higher education, and Principal of the college. These members also appear in the selection Committee referred to in Sections 76 and 77 of the 1994 Act and Sections 102 and 103 of the 2016 Act, respectively. Since, in our view the members of the committee that appointed the petitioners are also specified in these Sections, it cannot be said that the appointments are not made by the committee in accordance with these provisions. It is also important to note that the candidates, when they appear before the selection committee, would not be in a position to verify whether the persons forming the committee are appointed in accordance with the 1994 and 2016 Acts and they would be justified in presuming that the committee is duly constituted in accordance with Act. Therefore, the principles akin to doctrine of indoor management would apply and the candidates cannot be made to suffer if there is any defect in the constitution of the committee to which the respondents have never objected.

**70.** It is also important to note that the appointments are made from 2012 onwards and that if the State felt that these appointments are not made by the committee duly constituted under the respective provisions, then it is surprising why they did not take any action against the university for appointing these petitioners contrary to the provisions of the university Act. Therefore, at this stage, the State cannot argue for

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all the aforesaid reasons that the appointments are not made by the committee as required under the 1994 and 2016 Acts.

**71.** In Writ Petition No. 4724 of 2016, an affidavit in reply on behalf of Respondent No. 2 and 4 is filed, wherein it is stated that by letter dated 2nd August 2014, the State Government directed the university not to approve the appointments, but to make appointments on a temporary basis since the proposal sent by the university to the Government for prior approval were pending. In our view, this letter goes on to show that the respondent-State has admitted that the appointments are in accordance with the provisions of the Act. Till today, these proposals have not been decided.

**72.** We fail to understand that the proposals sent in 2011, 2014, etc., are still not decided up to 2026. The inaction on the part of the State in not taking any decision on the proposal sent over more than a decade ago is nothing but administrative inertia. The Hon'ble Supreme Court in the case of ***IFGL Refractories Limited vs. Orissa State Financial Corporation and Others***[42] has expressed their displeasure on bureaucratic lethargy. It is settled position of law that a person cannot take the benefit of his own wrong, delay or inaction. The State by sitting over such proposals for such a long period, cannot now turn around and argue that these appointments are not in accordance with the provisions

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of the Act. Nothing prevented the State from rejecting these proposals on any ground immediately on receipt of such proposals. The fact that the State directed the university not to appoint new people since the proposals are pending with them goes on to show that, on one hand the State did not want to decide the proposals but wanted to continue with the appointments on temporary basis and then, on the other hand argue that since these appointments are on temporary basis same cannot be treated as appointments under the provisions of the Act. In our view, such contradictory conduct of the State is highly deplorable and not acceptable to deny legitimate dues of the petitioners.

**73.** We have already noted various admissions made by the respondent State and other respondents in their affidavits wherein there is an admission that the appointments are in accordance with the provisions of the Act, albeit on a temporary basis and further the proposals sent have been pending since long. The above reasoning given by us with respect to appointment of teachers also applies with equal force with respect to other petitioners who are not teachers.

**74.** At this stage, it is also important to analyse certain provisions of the 1994 Act. Section 2(10) defines “college” to mean a college conducted by the university or affiliated to the university and situated in the university area. Section 2(11) defines “conducted college” to mean a college maintained and managed by the university.

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Model Colleges are treated as units of the university and therefore would fall within the definition of college as per Sections 2(10) and 2(11) of the 1994 Act.

**75.** Section 2(20) defines "management" to mean the trustees or the governing body. The proviso provides that in relation to any college or institution established or maintained by the Central Government or the State Government, the Central Government or the State Government would be treated as "management". In the instant case, the Model College is set up by the Central and the State Government, and therefore, the State Government would be treated as management for the purposes of this Act.

**76.** Section 5 provides for powers and duties of university. Sub-section (9) provides that it is the duty of the university to create post of directors, principals, professors, readers, lecturers and other teaching or non-vocation academic post required by the university with the prior approval of the State Government. Section 5(5) provides that it is the duty of the university to establish, maintain and manage departments and institutions of research of specialised studies or of academic services unit. Section 5(6) provides that it is the duty of the university to establish, maintain and manage colleges, institutions, hostels, health centers, auditoria and gymnasiums. In our view, the responsibility of maintaining the college under consideration lies with the State as per

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the definition of the "management" discussed above, and also the university as per their duties provided under section 5(6) of the 1994 Act.

**77.** Section 8 of the 1994 Act provides for control of State Government and Universities. It provides that without approval of the State Government, the university shall not create new posts of teachers, officers or other employees. In our view, this provision would not be applicable because as per the UGC Scheme under which the Model Colleges have been established, the State Government has undertaken to consider the proposals sent by the university for the approval of the posts. Secondly, Section 8 would apply not for the post to be created for the first time, but for the new post to be created after the creation of the initial post. In the instant case, since the Model College was set up, we have not been shown any document indicating the post for which the petitioners are appointed were created prior to their appointment.

**78.** The language of Section 8(1)(a) of the 1994 Act provides that, without the prior approval of the State Government, the university shall not create new posts of teachers, officers or other employees. The phrase "new posts" can be explained by giving an example. For example, there is a post of a teacher teaching Mathematics. The university now wants to create a new post for a teacher teaching Artificial Intelligence (AI). It is for the AI post that the provisions of Section 8(1)(a) would be

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applicable. This is under Section 8(1)(a), when contrasted with Section 5(9), which provides for the powers and duties of the university to create posts with the prior approval of the State Government. In our view, Section 5(9) would apply to a case where posts are created at the time of setting up a college. The phrase "new" is absent in Section 5(9). We have already taken the view that, even if the approval is pending for prolonged period, there is deemed approval, and the respondents have admitted that they are ready to sanction the post. Therefore, the appropriate provision in the present case would be Section 5(9) and not Section 8(1)(a) of the 1994 Act.

**79.** Section 8(2) provides that the university shall be competent to incur expenditure from the funds received from various sources specified therein. Section 102 provides that the university shall establish salary funds for all posts approved by the State Government and for all other posts. In our view, on a reading of section 102, read with section 8(2), it is also the duty of the university to pay salaries as per the pay scale applicable to the respective post and the State is liable to make the funds available to the university for this purpose as per the undertaking provided to that effect by the State.

**80.** The submission made by the State that the petitioners have agreed by signing appointment letters that their appointments are on a temporary basis and they will not claim any permanency is required to

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be rejected in the facts of the present case. In the instant case, Model Colleges were established by the Centre and the State and the responsibility of maintaining the colleges and bearing the recurring expenses was undertaken by the State. It is at the instance and directive of the State that the Universities were compelled to appoint teachers on temporary basis since the State was not approving the proposal sent by the university for approval of the posts. The State wanted university to run the college and the colleges cannot run without teachers and non-teachers and teachers and non-teachers cannot be appointed, if the posts are not approved though created by the university on account of inaction of the State. The fact that these appointments had to be renewed or extended every year clearly demonstrates and it leads to a legitimate expectation on the part of the teachers and the staff that the moment the State will take a decision on the posts their appointments will be regularised as per the pay scale applicable to the university. In our view, the State based on the above facts narrated above cannot now contend that since the appointments were on temporary basis and the petitioners had given up their claim for permanency, the petition is required to be dismissed. In this connection, paragraphs 42 and 43 of the decision of the Hon'ble Supreme Court in the case of ***Somesh Thapliyal and Another (supra)*** is relevant and same is reproduced hereunder :-

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> *"42. The submissions of the learned counsel for the respondents that the appellants have accepted the terms and conditions contained in the letter of appointment deserves rejection for the reason that it is not open for a person appointed in public employment to ordinarily choose the terms and conditions of which he is required to serve. It goes without saying that employer is always in a dominating position and it is open to the employer to dictate the terms of employment. The employee who is at the receiving end can hardly complain of arbitrariness in the terms and conditions of employment. This Court can take judicial notice of the fact that if an employee takes initiation in questioning the terms and conditions of employment, that would cost his/her job itself.*
>
> *43. The bargaining power is vested with the employer itself and the employee is left with no option but to accept the conditions dictated by the authority. If that being the reason, it is open for the employee to challenge the conditions if it is not being in conformity with the statutory requirement under the law and he is not estopped from questioning at a stage where he finds himself aggrieved."*
>
> *(emphasis supplied)*

**81.** The claim of the petitioners is not based on the GR dated 22.05.2026 by which the pay-scale has been increased. It is relevant to note that this GR came to be issued after this Court passed various orders expressing dissatisfaction on the conduct of the Government. The contention of the respondent-State is that this GR is prospective in nature and, therefore, based on the same GR, relied cannot be granted. In our view, assuming the GR is prospective in nature and the claim of the petitioners is not based on this GR, but this GR does recongnise that the State accepts teachers were underpaid as per this GR and it is this grievance that is raised and is to be addressed. We have already observed that the action of the respondents in not paying the salary as per the GR is not justified.

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**82.** The contention that by this GR, petitioners are given extra mark for future employment would be doing too little too late. On the contrary, this GR accepts the experience of the petitioners and also requirements of the number of teachers.

**83.** The contention of learned Government Pleader that UGC Scheme provides for projected expenditure of Rs. 1.50 crore per annum in the initial paragraph and thereafter provides that State Government would commit 100 % of the annual recurring expenses should be read to mean 100 % of Rs. 1.50 crore and in any case, in the earlier paragraph should prevail cannot be accepted. The earlier paragraph of UGC Scheme only estimates the expenditure on projections and based on this projection, the committee states in subsequent paragraphs that 100% of annual recurring expenses will be borne by the State Government. In our view, if read harmoniously, it would mean that the committee estimated annual recurring expenses of Rs. 1.50 crore on projected basis and the entire Rs. 1.50 crore will be borne by the State Government, since the projection of only Rs. 1.50 crore. The intention of these two paragraph was to mean that whatever is the expenses required for salary and recurring expenses will be borne entirely by the State Government on actual basis in future. If the intention was that the obligation of the State Government was restricted Rs. 1.50 crore then the scheme would also have provided who the excess should bear. Therefore, in the

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absence of the same, the only way to construe the scheme is to mean that whatever the actual salary and recurring expenditure when the college actually starts operating, same would be borne entirely by the State Government. The UGC Scheme at page 3 expressly provides for meeting the entire recurring expenses for maintaining these colleges by the State Government.

**84.** Now we turn to the Constitution of India to ascertain whether the actions / inactions of the State are violative of any of the Articles of the Constitution.

**85.** Article 14 of the Constitution of India provides for equal protection of the laws within the territory of India. Equality and justice are synonymous; to be just is to be equal, to be unjust is to be unequal. In our view, the petitioners who are teaching in Model Colleges cannot be treated differently from the teachers teaching in other colleges affiliated to the university for the purpose of the payment of salary and regularisation. The nature and quantum of work performed by the petitioners in both types of colleges is same and same is admitted by respondents. The qualification required to teach in both the colleges are also same. We do not see any difference between Model Colleges and other colleges that would justify treating petitioners as different classes, so as to deny the protection of Article 14 of the Constitution of India. It is also seen that Model Colleges are constituent colleges and thus

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integral part of the university. Therefore, the treatment meted out to the petitioners by the State by neither regularising their service and nor paying the salary in accordance with the UGC guidelines and pay-scale and the contrary to the undertaking given by the State is violative of Article 14 of the Constitution of India.

**86.** Article 16 of the Constitution provides that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. It means equal opportunity in matters of public employment. The petitioners who are teachers and non-existing appointed under the university Act are "public servants" as per Section 25 of the 2016 Act. In our view, the opportunities accorded to the petitioners are not equal to the opportunities which are provided to other teachers teaching in other colleges of the same university on account of discrimination meted out to them and, therefore, there is a violation of Article 16 of the Constitution of India.

**87.** Article 38 of the Constitution deals with the directive principles of State Policy. It provides that the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political shall inform all aspects of the national life. In our view, the university and the Model College would fall within the phrase

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"institutions of the national life". By not regularising the services of the petitioners who are working for more than a decade with the university and the State sitting over the proposals for regularising their service for more than a decade would clearly violate the letter and spirit of Article 38. The non-payment of salaries in accordance with the pay scale of the UGC would not secure a social order in which the economic aspect can be said to be satisfied. The State by giving unequal treatment has failed to secure a social order that promotes the welfare of the petitioners and the students and thereby its the action/inaction is violative of Article 38 of the Constitution of India.

88. Similarly, by paying different salaries and not regularising the services of the petitioners there is a violation of Article 39 of the Constitution of India. Article 39 provides for equal pay for equal work for both men and women. In the instant case, the teachers teaching in the Model College and those teachers teaching in other colleges have been paid differently for the same work. Article 39 does not mean that it only compares men and women with respect to pay but it also includes the payment between two men doing same work in different colleges. Similarly it would also include payment made to two women teachers teaching in Model College and other college.

89. Article 47 of the Constitution of India obligates the State to raise the level of standard of living of its people. In our view, by paying

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only a mere consolidated salary for such a long period and not regularising the services of the petitioners, the State has failed to carry out its duties enshrined in Article 47 by its own acts which are mentioned hereinabove whereby the proposal for approval has not been decided for a decade and a direction is issued to appoint the teachers on temporary basis to avoid petitioners being made permanent etc. In our view, such treatment accorded to the petitioners would violate letter and spirit of Article 47 of the Constitution of India.

**90.** It is important to note that the petitioners not being regularised by the State are not being paid the salaries as per the pay scales would result into depriving such persons of their property under Article 300A of the Constitution of India without authority of law. The phrase "property" used in Article 300A would also include entitlements of the petitioners who have been working for decades on temporary basis and the State sitting over the proposals of approval for decades without taking any decision. By this process the petitioners are deprived of the salaries which is due to them as per the pay-scale and which the other teachers teaching in other colleges are receiving. Giving a wider meaning to the phrase "property" in the facts of the present case, the non-payment of salary and non-regularisation of the service conditions are clearly violative of Article 300A of the Constitution of India.

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**91.** In our view, with passage of time, threshold of economic capacity and development of Indian State and more particularly, the State of Maharashtra has undergone radical change in positive direction.

**92.** The next submission made by the learned counsel for the State that their liability is capped at Rs. 1 crore as per the GR dated 14.03.2013 and, therefore, by allowing the relief, the State cannot be made liable to pay more than Rs. 1 crore. In our view, this submission also cannot be accepted. The amount of Rs. 1 crore was estimated for across all the districts across the country by the UGC committee in 2011 when the report was prepared. It is on the basis of calculation done at that point of time that an estimate was made. Nowhere in the UGC report, it is stated that Rs. 1 crore would be the limit for all times to come. Admittedly, the number of staff required to run this college based on the number of students was not available at the time of preparation of report of GR and, therefore, an estimate was made by the UGC Committee prior to the setting up of this college which State adopted. In any case, State cannot say that it would not pay salary as per pay-scale prescribed by UGC. Financial constraint is no ground for not paying salary as per the rules and regulations. Law does not permit payment of lesser salary than applicable to any post. The undertaking which is annexed to Writ Petition No. 4724 of 2016 categorically states that the State Government undertakes to bear two-third of the non-recurring

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expenditure plus Rs. 1 crore as an excess amount and the **entire recurring expenditure including salary expenses as well as future appreciation in capital expenditure with reference to the UGC scheme for providing financial assistance to new Model College**. In our view, this undertaking is akin to a sovereign guarantee given by the State that in future entire recurring expenditure to run the Model College including salary expense would be borne by the State Government. Therefore, the contention that the liability is restricted to only Rs. 1 crore as per the 2013 GR also cannot be accepted.

**93.** The State has constitutional and sovereign obligation to take measures for the progressive realisation of economic and social rights. This gives birth to the doctrine of non-retrogression. As per this doctrine, there must not by any regression of rights. In a progressive and an ever improving society, there is no place for retreat. The society has to march ahead. This doctrine sets forth that the State should not take steps that would lead to retrogression on the enjoyment of constitutional rights or otherwise.

**94.** Even in the UGC report, it is specifically mentioned in paragraph 4.1.4.1 that recurring expenses will be borne 100 percent by the State government. The submission made that these colleges were set up with the plan that within five years they would become autonomous and therefore, the liability cannot be fastened upon the State beyond

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Rs. 1 crore on account of salaries of the teachers and the staff also cannot be accepted in the light of the undertaking given by the State. The 2013 GR and 2011 undertaking can be reconciled by observing that upto Rs. 1 crore salary would be governed by the 2013 GR and if said amount surpasses Rs. 1 crore then same would be governed by the undertaking given by the State.

**95.** The university for Ghansawangi College in its letter dated 20.11.2018 addressed to the State have expressed their grievance and displeasure that since 2011-12 employees duly appointed in accordance with law are not being paid by the State as per regular pay-scale nor permanency is granted by the State though it is the responsibility of the State resulting to huge financial strain on resources of the university.

**96.** The contention of the State that in the periphery of the Model College, many private colleges have been established and therefore, now the purpose for which Model College was set up has been achieved, also cannot be a ground to deny the salaries as per the pay scale and for regularisation till this Model College continues to run. We are surprised to go through the chart which was produced by the State giving number of students in the Model College and the private colleges which were set up in the same region. The number of students in the private colleges has increased whereas, the students in the Model College has substantially reduced. We fail to understand the reason for

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this but it is obvious. The State Government should introspect and take steps to improve the standard of Model College so that the first preference of any student should be to join these Model Colleges over a private college. These Model Colleges should have been nurtured to become world-class institutions like IIM, IIT, AIIMS etc. However, for the reasons best known to the State, it is the other way round. At the cost of the Model College, the private colleges are flourishing. Therefore, even on this count, for no fault of the petitioners-teacher, it cannot be contended by the State that the petitioners are not entitled to regularisation and payment of salaries as per the pay scale, which is fixed for similar post for other teachers teaching in colleges affiliated to the university and non-teaching staff.

**97.** The learned Government Pleader has relied upon various decisions of the Hon'ble Supreme Court and submitted that this Court cannot direct the State to create posts since that is the function of legislature or executive. In our view, these judgments are not applicable to the facts of the present case. In paragraph no. 3 of the GR dated 14.03.2013, it has been categorically stated by the State that the post will be created by the university on the same being forwarded to higher education department which in turn will be forwarded to the State for the approval. As observed by us above, in the affidavit in reply, it is admitted that the proposals were sent way back in 2011 and 2014 to the

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State Government but till today, the State Government has not acted upon them. As per Sections 5(9) and 5(11) of the Act of 1994, it is the duty of the university to create the posts with the approval of the State Government. When these provisions are read along with paragraph no. 3 of GR dated 14.03.2013, and the background in which the Model College was set up, the State today cannot contend that on one hand they will not act upon the proposal sent by the university for approval of the post by sitting over it for more than a decade and then make a submission before this Court that the Court cannot direct the State to create the post. This would amount to approbation and reprobation by not taking any action on the proposal and then contending that since the posts are not sanctioned, the relief claimed by the petitioners cannot be granted. The posts have already been created and the proposal has remained pending approval with the State Government for more than a decade. The university has admitted that appointments are in accordance with law. We have independently analysed and came to a conclusion that petitioners' appointments are not illegal. We are concerned with the inaction of the State in failing to accord approval for more than a decade after the proposals for sanctioning posts were admittedly received by them from university and not with creation of posts and, therefore, the decisions relied upon by the learned

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Government Pleader would not be applicable to the facts of the present case before us.

**98.** The contention that these colleges were to be autonomous after a period of five years and, therefore, the above stand of the State also cannot be accepted since when the proposals were sent, the period of five years had not expired. Therefore, in the facts and circumstances of the present case when the posts are already created and are pending before the State Government for its approval for more than a decade, the reliance placed on these decisions by the learned Government Pleader cannot be made applicable to the facts of the present case.

**99.** On a query being raised by the Bench, the learned Government Pleader fairly submitted that in the UGC Scheme, no provision is made to deal with the contingency if the Model College does not achieve financial independence within a period of five years. However, he fairly stated that in spite of the earlier commitment of Rs. 1.5 crore, the State has increased the said commitment over a period of time. The word "Autonomous" used in the UGC Scheme and the GR cannot be construed to mean that the obligation of the State is restricted in financial terms only upto a particular amount. A college cannot be financially autonomous if the resource persons namely teacher and non-teaching staff are not compensated in accordance with law which in turn severely affects the growth of the college in improving its standard to

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make it financially independent. Unless the resource persons namely teaching and non-teaching staff are adequately compensated, it would lead to a situation where by the acts of the State a college is not allowed to stand on its own feet and then the State blaming the college for not being financially independent to absolve itself from financial liability.

**100.** The 1994 Act and 2016 Act do not provide for the time limit within which the State Government should approve the proposal sent by the university with regard to creation of the posts. It is settled position that when no time limit is provided for or prescribed in the Act or the Regulations then the decision in such matters must be taken within a reasonable time. What constitutes a reasonable time will depend on the scheme of the Act with which the Court is concerned. The Hon'ble Supreme Court in the case of ***Adjudicating Officer, Securities and Exchange Board of India vs. Bhavesh Pabari***[43] in paragraph 35 has observed that when the period of limitation is not prescribed, such power must be exercised within a reasonable time. What reasonable time would be, depends upon facts and circumstances of the case, nature of the default, whether the third party rights had been created. The Hon'ble Supreme Court ***Mansaram vs. S. P. Pathak and Others***[44] has observed that when a power exists to effectuate a purpose, it must be

43 (2019) 5 SCC 90
44 (1984) 1 SCC 125

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exercised within a reasonable time. This proposition, according to us, is too well settled to require buttressing and further precedent.

**101.** In the instant case, since the State Government did not take any decision on the proposals sent by the university with regard to the approval of the post for more than a decade now and on a specific directive by the State, the university had no choice but the only way to run the Model College was to recruit the staff on temporary basis. Section 77 of the 1994 Act provides that the appointment on a temporary vacancy can be made for a period of more than one year. This section is referred by us only for the limited purpose for ascertaining the reasonable time within which the proposal sent to the State for approval of the posts should be decided. The UGC Regulations with regard to appointments on contractual basis also provide that such appointments should not be made for more than one academic session. Section 103 of the 2016 Act provides for filling of temporary vacancies if the vacancy is for a period of more than one year. In our view, looking at the scheme of the 1994 Act and 2016 Act read with UGC Regulations and more particularly applying the same to the facts of the present when we are concerned of situation at the inception of college itself, the reasonable time within which the State Government should have taken a decision on the proposals sent by the university for the approval of the posts should not have been more than one year from the date of receipt of

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such proposal. In the instant case, the proposals have been made in 2011, 2014, etc. and till today i.e. till the end of 2026 no action had been taken on such proposals. There is no satisfactory explanation for such a gross delay.

**102.** It is also important to note that the Bench of this Court comprising of their **Lordship Chief Justice Dipankar Datta (as he then was) and Shri Justice Mangesh Patil** on 30.09.2021 expressed their displeasure at the inaction on the part of the State in this regard and directed the State to take an appropriate decision and place a report before this Court on 05.01.2022. It is with great displeasure that we have to observe that the compliance of this order was not even made till February 2026, when this Court again expressed its displeasure by an order dated 17.02.2026 which is reproduced by us in the start of this judgment. After the order of 17.02.2026, now an affidavit is sought to be filed by the State that they are ready to approve the posts but subject to the cap of Rs. 1 crore as mentioned in the 2013 GR. We do not wish to say anything more but the inaction and disobedience shown by the State to our above two orders speak for themselves. We are constrained to observe that if the State does not comply with the timelines and directions of this Court, certainly, they are setting a bad precedent for private citizens of this country with regard to the obedience to the orders passed by the highest Court of the State.

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**103.** Be that as it may. Coming to the reasonable period, in our view, as observed above, the reasonable period for taking decision on the proposals sent by the university to the State on the issue of approval of the posts would be one year. It is also settled by a catena of decisions of various Courts that if a decision is not taken within a reasonable period of time, then it is deemed to have been approved. Looking at the facts of the present case, where we are concerned with running of a Model College which is set up in the background of the UGC report which in turn is based on the announcement made by the Hon'ble Prime Minister at that point of time, the proposals pending for more than a decade should be deemed to have been approved since a Model College cannot be run by temporary appointments of the same teachers whose terms are renewed and extended from time to time.

**104.** This Court in the case of ***D. G. Ruparel College vs. State of Maharashtra & Others***[45] while dealing with Rule 9 of the MEPS Rules which covers of appointment of staff and which does not contains provision with regard to time within which the management of the school has to apply for approval of the appointment nor does it contain any provision with regard to the time within which approval or disapproval is to be accorded by the appropriate Court, this Court observed that in the absence of an express provision the Court has

45 1999 (1) L.L.N. 704

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considered two months as reasonable time for making an application by the management and for the authority to take decision thereon. This Court further observed that if approval is not communicated within reasonable time then it raises a presumption of approval of the posts.

**105.** The Hon'ble Supreme Court in the case of ***Rattan Lal and Others vs. State of Haryana And Others***[46] observed that the State Government's practice of appointing a large number of teachers on ad hoc basis at the commencement of an academic year and terminating their services before next summer vacation and reappointing them on ad hoc basis so as to deny them the salary for summer vacation and also other benefits that other regular teachers are generally entitled to, was held to be unreasonable, arbitrary and contrary to Articles 14 and 16 of the Constitution of India.

**106.** In the context of the present case, observations made in paragraph 49 by the Hon'ble Supreme Court in the case of ***Piara Singh and others (supra)*** is relevant and same is reproduced herein :-

> *"49. If for any reason, an ad hoc or temporary employee is continued for a fairly long spell, the authorities must consider his case for regularisation provided he is eligible and qualified according to the rules and his service record is satisfactory and his appointment does not run counter to the reservation policy of the State."*
>
> *(emphasis supplied)*

**107.** The petitioners are justified in placing reliance on the recent decisions of the Hon'ble Supreme Court in the case of ***Bholanath (surpa)***

46 (1985) 4 SCC 43

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***Jaggo (supra)*** and ***Dharam Singh (supra)***, wherein the Court directed regularisation of services and payment of salaries as per pay-scale by disapproving the practice of granting extension upon completion of annual contractual terms. Although in that case, the ad hoc appointments were made to sanctioned posts, in our view, this decision does supports the case of the Petitioners. In the case before us, though proposal for sanctioning of posts was admittedly sent by the university to the State, State did not take any action for more than a decade and, therefore, it shall be presumed that the posts have been sanctioned. Even the State in their latest affidavit has accepted that they would sanction the posts subject to the monetary cap of Rs. 1 crore as per the 2013 GR. We have already rejected the contention of capping Rs. 1 crore towards payment of salaries. Therefore, in the light of these facts, the decision in the case of ***Bholanath (supra)*** and other decisions relied upon by the petitioners taking a similar view lend support for grant of appropriate relief to the petitioners.

**108.** The petitioners are justified in placing reliance on the decision of the Constitution Bench of Five Judges of the Hon'ble Supreme Court in the case of ***Umadevi (supra)***. In the case before us, we have already observed above that the appointments were not illegal. This is also admitted by the respondents. The petitioners have been continued in the service by giving constant extensions and a technical

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break given to avoid the continuation of service. The State did not sanction the posts for more than a decade but on the contrary directed the university to appoint the petitioners on temporary basis and now they have admitted to sanction posts. The UGC regulating body has disapproved the action of State in this regard. There is no dispute with respect to the eligibility of the petitioners insofar as their qualification is concerned. Petitioners have worked for fairly long duration with the Model College. Therefore, in our view, the ratio of the decision in the case of ***Umadevi (supra)*** supports the claim of the petitioners for regularisation of their service and payment of salary as per the pay-scale.

**109.** The issue of regularisation and payment as per the pay-scale with regard to Model Colleges set up in the State of Tamil Nadu came up for consideration before the Madurai Bench of the Madras High Court in the case of ***S. Ramesh (supra)*** and in the order pronounced on 12.12.2023 on very similar facts, relief was granted by the Madras High Court to the petitioners therein, by directing respondents to consider the representation made by the petitioners for regularisation of their services.

**110.** In the case of ***Vinod Kumar and Others (supra)*** paragraph 5 reads as under :-

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*"5. Having heard the arguments of both the sides, this Court believes that the essence of employment and the rights thereof cannot be merely determined by the initial terms of appointment when the actual course of employment has evolved significantly over time. The continuous service of the appellants in the capacities of regular employees, performing duties indistinguishable from those in permanent posts, and their selection through a process that mirrors that of regular recruitment, constitute a substantive departure from the temporary and scheme-specific nature of their initial engagement. Moreover, the appellants' promotion process was conducted and overseen by a Departmental Promotional Committee and their sustained service for more than 25 years without any indication of the temporary nature of their roles being reaffirmed or the duration of such temporary engagement being specified, merits a reconsideration of their employment status."*

*(emphasis supplied)*

**111.** In the case of ***Jaggo (supra)*** paragraphs 10 and 11 reads as under :-

*"10. Having given careful consideration to the submissions advanced and the material on record, we find that the appellants' long and uninterrupted service, for periods extending well beyond ten years, cannot be brushed aside merely by labelling their initial appointments as part-time or contractual. The essence of their employment must be considered in the light of their sustained contribution, the integral nature of their work, and the fact that no evidence suggests their entry was through any illegal or surreptitious route.*

*11. The claim by the respondents that these were not regular posts lacks merit, as the nature of the work performed by the appellants was perennial and fundamental to the functioning of the offices. The recurring nature of these duties necessitates their classification as regular posts, irrespective of how their initial engagements were labelled. It is also noteworthy that subsequent outsourcing of these same tasks to private agencies after the appellants' termination demonstrates the inherent need for these services. This act of outsourcing, which effectively replaced one set of workers with another, further underscores that the work in question was neither temporary nor occasional."*

*(emphasis supplied)*

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**112.** In the case of ***Sheo Narain Nagar (supra)*** paragraph 7 reads as under :-

> *"7. When we consider the prevailing scenario, it is painful to note that the decision in Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] has not been properly understood and rather wrongly applied by various State Governments. We have called for the data in the instant case to ensure as to how many employees were working on contract basis or ad hoc basis or daily-wage basis in different State departments. We can take judicial notice that widely aforesaid practice is being continued. Though this Court has emphasised that incumbents should be appointed on regular basis as per rules but new devise of making appointment on contract basis has been adopted, employment is offered on daily-wage basis, etc. in exploitative forms. This situation was not envisaged by Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] . The prime intendment of the decision was that the employment process should be by fair means and not by back door entry and in the available pay scale. That spirit of the Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] has been ignored and conveniently overlooked by various State Governments/authorities. We regretfully make the observation that Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] has not been implemented in its true spirit and has not been followed in its pith and substance. It is being used only as a tool for not regularising the services of incumbents. They are being continued in service without payment of due salary for which they are entitled on the basis of Articles 14, 16 read with Article 34(1)(d) of the Constitution of India as if they have no constitutional protection as envisaged in D.S. Nakara v. Union of India [D.S. Nakara v. Union of India, (1983) 1 SCC 305 : 1983 SCC (L&S) 145 : AIR 1983 SC 130] , from cradle to grave. In heydays of life they are serving on exploitative terms with no guarantee of livelihood to be continued and in old age they are going to be destituted, there being no provision for pension, retiral benefits, etc. There is clear contravention of constitutional provisions and aspiration of downtrodden class. They do have equal rights and to make them equals they require protection and cannot be dealt with arbitrarily. The kind of treatment meted out is not only bad but equally unconstitutional and is denial of rights. We have to strike a balance to really implement the ideology of Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] . Thus, the time has come to stop the situation where Umadevi (3)*

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*[State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] can be permitted to be flouted, whereas, this Court has interdicted such employment way back in the year 2006. The employment cannot be on exploitative terms, whereas Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] laid down that there should not be back door entry and every post should be filled by regular employment, but a new device has been adopted for making appointment on payment of paltry system on contract/ad hoc basis or otherwise. This kind of action is not permissible when we consider the pith and substance of true spirit in Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753]"*

*(emphasis supplied)*

**113.** In the case of ***Umadevi (supra)*** relevant paragraphs 16 and 31 reads as under :-

*16. In B.N. Nagarajan v. State of Karnataka [(1979) 4 SCC 507 : 1980 SCC (L&S) 4 : (1979) 3 SCR 937] this Court clearly held that the words "regular" or "regularisation" do not connote permanence and cannot be construed so as to convey an idea of the nature of tenure of appointments. They are terms calculated to condone any procedural irregularities and are meant to cure only such defects as are attributable to methodology followed in making the appointments. This Court emphasised that when rules framed under Article 309 of the Constitution are in force, no regularisation is permissible in exercise of the executive powers of the Government under Article 162 of the Constitution in contravention of the rules. These decisions and the principles recognised therein have not been dissented to by this Court and on principle, we see no reason not to accept the proposition as enunciated in the above decisions. We have, therefore, to keep this distinction in mind and proceed on the basis that only something that is irregular for want of compliance with one of the elements in the process of selection which does not go to the root of the process, can be regularised and that it alone can be regularised and granting permanence of employment is a totally different concept and cannot be equated with regularisation.*

*31. In Ashwani Kumar v. State of Bihar [(1997) 2 SCC 1 : 1997 SCC (L&S) 465 : 1996 Supp (10) SCR 120] this Court was considering the validity of confirmation of the irregularly employed. It was stated : (SCC p. 17, para 13)*

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*"13. So far as the question of confirmation of these employees whose entry itself was illegal and void, is concerned, it is to be noted that question of confirmation or regularisation of an irregularly appointed candidate would arise if the candidate concerned is appointed in an irregular manner or on ad hoc basis against an available vacancy which is already sanctioned. But if the initial entry itself is unauthorised and is not against any sanctioned vacancy, question of regularising the incumbent on such a non-existing vacancy would never survive for consideration and even if such purported regularisation or confirmation is given it would be an exercise in futility."*

*This Court further stated : (SCC pp. 18-19, para 14)*

*"14. In this connection it is pertinent to note that question of regularisation in any service including any government service may arise in two contingencies. Firstly, if on any available clear vacancies which are of a long duration appointments are made on ad hoc basis or daily-wage basis by a competent authority and are continued from time to time and if it is found that the incumbents concerned have continued to be employed for a long period of time with or without any artificial breaks, and their services are otherwise required by the institution which employs them, a time may come in the service career of such employees who are continued on ad hoc basis for a given substantial length of time to regularise them so that the employees concerned can give their best by being assured security of tenure. But this would require one precondition that the initial entry of such an employee must be made against an available sanctioned vacancy by following the rules and regulations governing such entry. The second type of situation in which the question of regularisation may arise would be when the initial entry of the employee against an available vacancy is found to have suffered from some flaw in the procedural exercise though the person appointing is competent to effect such initial recruitment and has otherwise followed due procedure for such recruitment. A need may then arise in the light of the exigency of administrative requirement for waiving such irregularity in the initial appointment by a competent authority and the irregular initial appointment may be regularised and security of tenure may be made available to the incumbent concerned. But even in such a case the initial entry must not be found to be totally illegal or in blatant disregard of all the established rules and regulations governing such recruitment."*

*(emphasis supplied)*

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**114.** In our view, the observations made by the Hon'ble Supreme Court in the above decisions relied upon by the petitioners support the case for giving relief. However, the contention that the petitioners have agreed to the conditions in the appointment letter, that their appointment is temporary and that they will not claim any permanency will have to be read in the context of the petitioners signing such an appointment letter at the first instance i.e. in the first year but on account of subsequent developments of extensions non-sanction of post till today etc. would not bind the petitioners on account of principles of promissory estoppel and legitimate expectation.

**115.** Subsequently, on account of continuous service (though with a technical break) over a period of more than a decade and the proposal being pending before the State Government for sanction of the post and the State in the GR of 2013, undertaking to sanction the posts as and when referred to it, in our view, this would certainly be a situation where the State gave an assurance to the petitioners that the posts will be sanctioned. The undertaking of the State reproduced above also indicates that they had agreed to bear entire salary recurring expenses. Furthermore, it is the State who had directed the university to make appointments on temporary basis since the proposals were pending before them for approval. It is not the case of the State that the appointments are illegal. The university has accepted that the

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appointments are in accordance with the provisions of the 1994 Act. Applying the analysis made by the Hon'ble Supreme Court while explaining the doctrine promissory estoppel and legitimate expectation in the case of ***State of Jharkhand and others vs. Brahmaputra Metallics Limited, Ranchi and Another***[47] and more particularly paragraphs 27 to 50 and paragraph 63 of the decision of the Hon'ble Supreme Court in the case of ***Army Welfare Education Society vs. Sunil Kumar Sharma***[48], in our view, based on the above facts, the petitioners are justified in seeking regularisation of service and payment of salary as per the pay-scale based on both these doctrines. Both these doctrines have also been reiterated and explained in the latest decision of the Hon'ble Supreme Court in the case of ***IFGL Refractories Limited (supra)***.

**116.** In such circumstances, we certainly do not agree with the submissions made by the State in opposing the grant of relief to the petitioners.

**117.** Insofar as Writ Petition No. 5111 of 2019 is concerned, the submission made by the learned counsel for the university that the petitioners were terminated cannot be accepted since in the order dated 24.07.2019 passed by this Court it is recorded by the petitioners are teaching in respondent no. 4 - Institution.

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47 (2023) 10 SCC 634
48 (2024) 16 SCC 598

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**118.** The State's role in education is crucial for a variety of reasons. It ensures equal access to education, which in turn fosters social mobility and reduces disparities. By establishing diverse institutions, the state caters to the varying needs of students, promoting holistic development. Furthermore, education plays a pivotal role in nation-building, economic growth, and shaping an informed citizenry capable of participating in democratic processes.

**119.** Despite constitutional guidelines and ongoing efforts, the Indian education system still faces significant challenges. Quality disparities between urban and rural schools, inadequate infrastructure, outdated curricula, and unequal access to education remain concerns. Additionally, issues like teaching staff shortages and insufficient funding hinder the establishment and maintenance of high-quality educational institutions.

**120.** Therefore, it's essential for the State to both establish and maintain educational institutions. Addressing these challenges and consistently improving educational quality are crucial steps in unlocking the full potential of India's education system and its societal impact.

**121.** We may, however, observe that the petitioners would not be entitled to salary as per the pay-scale for the period prior to three years from the date of institution of the present writ petitions on account of such claim being barred by limitation. The petitioners whose services

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have been continued on an extension basis upto the date of filing of the petition and who are still in employment till today, would be entitled to regularisation of service and the respondent-State would approve the posts by passing appropriate orders.

**122.** In view of above, we pass the following orders :-

**ORDER**

(a) Petitioners would be entitled to the fixation of salary as per the pay-scale applicable to similar posts as per the university/UGC pay-scale from the date of their appointment ; However, they shall be entitled to actual monetary benefit only for the period beginning from three years prior to filing of the petitions till the continuation of their employment ;

(b) Petitioners who are in continuous service upto the date of present order are entitled to regularisation of the service conditions as applicable to other teachers teaching in the university and non-teaching staff of the university from the date of their initial appointment ;

(c) Respondent-State would make payment of arrears of salary as specified in (a) above within six months from today without interest. Any delay after the expiry of six months would carry interest @ 6% per annum.

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(d) Respondent-State/university to pass appropriate orders for regularization of the services of the petitioners and specifying the pay-scale therein as per the pay-scale applicable to similar posts in colleges governed by the respective Universities/UGC guidelines ;

**123.** We end the present judgment by expressing our displeasure on the conduct of the State. **"With great power comes great responsibility"** and the State entrusted with furthering the cause of education has failed to carry out its obligation by acting contrary to the undertaking given to the university, failed in its duties as mandated by the Constitution of India, acting contrary to the object for which the Model Colleges were established based on the UGC report, showing utter disregard to the directions given by this Court which were not complied with for more than five years, displaying administrative inertia by sitting over the proposal for sanctioning of posts for more than a decade till today and giving directive to the university contrary to the scheme of the 1994 and 2016 Acts read with the UGC report on the basis of which Model Colleges were established and shying away from its commitment and obligation undertaken while setting up the said colleges. We hope that the most developed State of the country would introspect on these issues and take remedial measures to ensure that the colleges set up in the State serve as truly Model Colleges for other States

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to replicate the design and thereby contribute to the economic growth and national development to achieve the dream envisioned by the then Hon'ble Prime Minister of India on whose announcement the initiative of setting up the Model Colleges was given shape to.

**124.** Rule is made absolute in above terms. Petitions are disposed of.

**125.** Pending civil applications, if any, are disposed of.

[ JITENDRA JAIN ]
JUDGE

[ KISHORE C. SANT ]
JUDGE

arp/

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