

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NOS. 2026  
(@SLP(C) Nos.17549-17553/2022)**

**SREE SANKARACHARYA UNIVERSITY OF ..... APPELLANTS  
SANSKRIT & ANR.**

**VERSUS**

**UNNIKRISHNA PILLAI J. .... RESPONDENT**

**WITH**

**CIVIL APPEAL NO. 2026  
(@SLP(C) No. 8462/2023)**

**CIVIL APPEAL NO 2026  
(@SLP(C) No. 2102/2023)**

**CIVIL APPEAL NOS. 2026  
(@SLP(C) Nos. 6914-6915/2023)**

**O R D E R**

**1. Leave granted.**

**2. These appeals are directed against the common order passed in Writ Appeal Nos.96, 98, 206, 325 and 352 of 2022 dated 25.07.2022 Whereunder the High Court held that the writ petitioners were not entitled to claim the benefits of regularisation on the premise**

that the University was extracting work from teachers and directed University to disburse to the writ applicants the emoluments equal to the gross salary drawn by regularly appointed Assistant Professors.

3. The facts shown of unnecessary details are as under:

The writ applicants (respondents herein) were appointed on various dates by the appellant-University on contract basis as Guest Lecturers. On account of their prayer for regularisation having not been considered, resulted in writ petitions being filed by the writ applicants in W.P. Nos. 29677/2016, 3363/2018 and 15257/2021 whereby the learned Single Judge directed the University to take a call for regularisation of services and University may make a request to the appropriate Government for increasing the number of sanctioned posts, if necessary, or regularize them in the existing sanctioned posts. A further direction was also issued that in the interregnum University should pay the same scale of salary to them as drawn by the regular appointees. Being aggrieved by the same writ appeals came to be filed challenging the order dated 03.12.2021 and 04.12.2021 passed in the respective writ petitions.

4. The Division Bench by the impugned order held that the writ applicants have not worked for more than ten years against the sanctioned posts and as such they were not eligible for being

considered for being regularised. After noticing the University was resorting to contract appointments for discharging its teaching obligations and has been extracted work from the teachers who have been appointed as Guest Lecturers, would amount to exploitation and as such by setting aside the order of the learned Single Judge partly, directed the University to disburse the employees' emoluments equal to the gross salary of regularly appointed Assistant Professors by restricting it to the period of three years prior to the said order. Hence, the University is before this Court.

5. Having heard the learned counsels appearing for the parties and on perusal of the impugned judgment as well as the judgment of the learned Single Judge, we are of the considered view that the finding recorded by the learned Single Judge as affirmed by the Division Bench insofar as the parity issue is concerned, would not detain us for too long to set aside the said findings for reasons more than one. Firstly, there was no prayer sought by writ petitioners with regard to the pay parity either in the writ application or in any other pleading; secondly, it was not even raised during the course of the argument, either before the learned Single Judge or before the Division Bench.

6. The Division Bench, in the quest of doing substantial justice, seems to have extended the benevolence by arriving at a conclusion that writ applicants had worked for long number of years, and as such they would be entitled to pay parity, namely, the pay scale paid to Assistant Professors who were regular appointees. In fact, the University while assailing the order of the learned Single Judge in the intra- court appeal has specifically raised ground in this regard, as evident from the writ appeal whereunder it was specifically contended that functions and responsibilities of the Guest Lecturers are different and distinct from that of regularly appointed Assistant Professors.

7. In fact, with regard to pay parity, it has been specifically pleaded in Paragraph 15 of the writ appeal that petitioners themselves had never raised a claim for equal pay and there was no pleading to the said effect in the writ petitions also. Despite such a ground having been raised by the appellant-University, the Division Bench without addressing the said issue and as noticed herein (supra) has proceeded to extend the benevolence obviously being moved by the fact that writ applicants have been working for quite long number of years.

8. This finding of the learned Single Judge as modified and approved by the Division Bench not being in consonance with the pleadings

and also contrary to the pleadings as well as settled position of law, namely, that the writ applicants as Guest Lecturers, could not be discharging the same duties as that of the regularly appointed teachers would not be entitled to same pay. Hence, it would not detain us further to set aside the said finding and accordingly, it is set aside.

9. However, we notice that in the instant case, the University itself, at regular intervals of time while seeking additional posts being sanctioned from Government, obviously to accommodate the writ applicants in its Syndicate Meeting held on various dates had also recommended for sanctioning additional posts, which did not see the light of the day, namely, the appropriate Government did not accept the plea of the University, or in other words, it did not sanction the additional posts which was sought for by the University.

10. This would only indicate that University being bound by the directions of the appropriate Government, inasmuch as the sanctioned posts approved by the Government and the sanctioned posts were also to be released by the appropriate Government, had no other option but to continue the writ applicants as guest lecturers to meet its requirements. The writ applicants with their eyes wide open, having entered into a contract from year to year and continued as such, cannot now take umbrage of long number of

years of service having been put in by them as Guest Lecturers to seek pay parity or contend that they ought to have been regularized.

11. In fact, the agreement, which the writ applicants have entered into with the University, itself is a mirror to the fact that such appointment would not confer any right, except to the extent of receiving the remuneration fixed by the University and they would also be bound by the guidelines issued by the University Grants Commission (UGC) from time to time and having agreed that said guidelines would be binding on them, it is too late in the day to contend that on account of long number of years having been spent by them they are entitled to pay parity. In fact petitioners have now attained the age of superannuation, even for the purposes of extending the financial benefits, the said contention raised by the writ applicants for being regularized and paid salary equivalent to that of the Assistant Professors, cannot be accepted and it stands rejected.

12. It is also trite law that when there is contractual employment, it would not be appropriate for the writ applicants to contend that the said contract has to be ignored and they ought to be treated on par with other teachers, who were regularly appointed. Hence, the finding of the Division Bench that the services of the writ

applicants had been exploited as observed by the Division Bench, was not warranted and to that extent also the finding recorded by the Division Bench stands set aside.

13. After having found that the finding recorded by the learned Division Bench not being in consonance with the UGC guidelines and the contractual employment, the incidental question that would arise is, whether the benefit that has been extended to appellants herein by the impugned order requires to be sustained or modified?

14. In order to do a balancing act, namely, the right of the applicants' claim, for arrears of salary, on par with the Assistant Professors vis-a-vis the right of the University, it requires to be observed that there would be no dispute with regard to the fact that the guidelines issued by the UGC from time to time would be squarely applicable to the claim of the petitioners. They cannot be heard to contend that the said guidelines are to be ignored or contrary to the same they are to be paid the remunerations.

15. The revised guidelines of UGC dated 28.01.2019, which is placed on record, would indicate that the honorarium for guest faculty has been fixed at a maximum of Rs. 50,000/-. Though, a fervent appeal has been made by the learned Senior Advocate along with other advocates appearing for the writ applicants that the relief that

has been granted by the High Court extending the pay parity to the petitioners to that of the salary paid to the Assistant Professors, is attractive at the first blush, we are unable to accept the said contention in view of our findings and observations made hereinabove and in the light of the UGC guidelines glaring at them.

16. Hence, in order to do a balancing act and keeping in mind the equities, we are of the considered view that writ petitioners/respondents herein would be entitled to consolidate remuneration of Rs.50,000/- per month as per UGC guidelines and same shall be paid by the appellant-University for the period of five (5) years prior to their order of termination instead of three years as restricted by the Division Bench, as it would meet the ends of justice. Accordingly, the order of the Division Bench stands modified and the difference of amount, if any, shall be paid by the University expeditiously and at any rate, within an outer limit of eight weeks from the date of receipt of copy of this order.

17. It is made clear that the order passed herein would be necessarily between the parties before this Court.

18. Accordingly, the appeals stand disposed of.

.....J.  
(ARAVIND KUMAR)

.....J.  
(PRASANNA B. VARALE)

NEW DELHI;  
March 10, 2026.

**ITEM NO.8**

**COURT NO.15**

**SECTION XI-B**

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

**Petition(s) for Special Leave to Appeal (C) No(s).17549-17553/2022**

**[Arising out of impugned final judgment and order dated 25-07-2022 in WA No. 96/2022 25-07-2022 in WA No. 98/2022 25-07-2022 in WA No. 206/2022 25-07-2022 in WA No. 325/2022 25-07-2022 in WA No. 352/2022 passed by the High Court of Kerala at Ernakulam]**

**SREE SANKARACHARYA UNIVERSITY  
OF SANSKRIT & ANR.**

**Petitioner(s)**

**VERSUS**

**UNNIKRISHNA PILLAI J.**

**Respondent(s)**

**IA No. 198337/2022 - EXEMPTION FROM FILING O.T.  
IA No. 148447/2022 - EXEMPTION FROM FILING O.T.  
IA No. 148448/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES**

**WITH**

**SLP(C) No. 8462/2023 (XI-B)**

**SLP(C) No. 2102/2023 (XI-B)**

**FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
8330/2023**

**FOR EXEMPTION FROM FILING O.T. ON IA 8331/2023**

**IA No. 8330/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT**

**IA No. 8331/2023 - EXEMPTION FROM FILING O.T.**

**SLP(C) No. 6914-6915/2023 (XI-B)**

**IA**

**FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
59010/2023**

**FOR EXEMPTION FROM FILING O.T. ON IA 59012/2023**

**FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
67121/2023**

**IA No. 59010/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT**

**IA No. 59012/2023 - EXEMPTION FROM FILING O.T.**

**IA No. 67121/2023 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES**

## VERDICTUM.IN

Date : 10-03-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR  
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) : Ms. Vibha Dutta Makhija, Sr. Adv.  
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Dr. K.P. Kylasnatha Pillay, Sr. Adv.  
Mr. Nitish Pande, Adv.  
Ms. Rashmi Singhania, AOR

Mr. Sarath S Janardanan, Adv.  
Mr. Sriram P, Adv.  
Mr. Muhammed Haneeff, Adv.  
Mr. Mh Asif Ali, Adv.  
Mr. Ashik Ali, Adv.  
Mrs. Vishnupriya P Govind, Adv.  
Mr. Abid Ali Beeran P, AOR

For Respondent(s) : Mr. Sarath S Janardanan, Adv.  
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Mr. Harshad V. Hameed, AOR  
Mr. Dileep Poolakkot, Adv.  
Mrs. Ashly Harshad, Adv.  
Mr. Mahabir Singh, Adv.  
Dr. Arunender Thakur, Adv.  
Mr. Anshul Saharan, Adv.

Dr. K.P Kylasnatha Pillay, Sr. Adv.  
Mr. Nitish Pande, Adv.  
Ms. Rashmi Singhania, AOR

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1. Leave granted.**
- 2. Appeals are disposed of in terms of the Signed Order placed on the file.**
- 3. Pending application(s), if any, shall stand disposed of.**

**(RASHI GUPTA)  
COURT MASTER (SH)**

**(AVGV RAMU)  
COURT MASTER (NSH)**