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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO. 111 OF 2018
IN
WRIT PETITION NO. 5402 OF 2012
WITH
REVIEW PETITION NO. 72 OF 2018
IN
WRIT PETITION NO. 8020 OF 2016**

All India Shri Shivaji Memorial Society ... Appellants
(AISSMS) and Ors.

V/s.

Pandurang Abhmanyu Patil and Ors. ... Respondents

Mr. Prasad Dani, Senior Advocate with Ms. Pooja Joshi-Deshpande i/b. Mr. S.R. Ganbavale for the Petitioner Nos.1 to 3 in RPW No. 111 of 2018 and RPW No. 72 of 2018.

Mr. Yashodeep Deshmukh, with Ms. Vaidehi Deshmukh for Respondent Nos. 1 to 6 in RPW N. 111 of 2018 for Respondent Nos. 1 to 3 in RPW No. 72 of 2018.

Mr. Abhijeet A. Joshi, for Respondent Nos. 7 and 8 in RPW No. 111 of 2018 and for Respondent Nos. 5 & 6 in RPW No. 72 of 2018.

Mr. L.M. Acharya, Special G.P. with Mrs. Kavita N. Solunke, AGP for Respondent Nos. 7 and 8 in RPW No. 111 of 2018 and for Respondent No.4 in Rpw No. 72 of 2018.

**CORAM: B.R. GAVAI, &
RIYAZ I. CHAGLA, JJ.
DATE: 22ND DECEMBER, 2018.**

PC:-

1. The Review Petitions are filed by the original Respondent No.1 in view of the order passed by the Hon'ble Apex Court dated 3rd November, 2017. It will be relevant to refer to the following observations of the Apex Court.

***“... One main distinction pointed out is that, it was a case of qualified teachers whereas in this case the teaches are not qualified as per AICTE and not entitled to the benefit of designation and consequent benefit of Sixth Pay Commission.*”**

2. It is the contention of the Appellants herein that though the Petitioners did not possess Ph.D., by the order under Review, this Court has made applicable the judgment delivered in Writ Petition No.6001 of 2013 dated 10th February, 2015 at the Aurangabad Bench. It is the contention of the Appellants that for the post of Assistant Professor, Ph.D. is a requisite qualification which is not been possessed by the writ petitioners.

3. Mr. Deshmukh, the learned counsel appearing on behalf of the original Petitioners submits that in so far as the Petitioners in the case of Sanjay Surwase (Writ Petition No.6001 of 2013) are concerned none of the Petitioners also possessed a Ph.D. and a specific averment has been made in that regards in the Affidavit in Reply.

4. Undoubtedly the question which is sought to be raised now was not raised when the Petitioner was heard by this Court.

5. The Applicants have not placed on record any AICTE guidelines to show that for the post of Assistant Professor, the qualification of Ph.D. is necessary qualification. From the perusal of the AICTE Notification dated 4th January, 2016, it would reveal

that the qualification for the post of Assistant Professor is a Masters degree in the concerned faculty. Undisputedly all the original Petitioners are possessing Masters degree in the respective subjects. Apart from that it is to be noted that the appointments of the original Petitioners are duly approved by the respective Universities to which the colleges are affiliated.

6. In view of the above, we do not find any error apparent on the face of record. Therefore, both the Review Petitions are rejected.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI,J.)