

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

**REVIEW PETITION NO.131 OF 2025
IN
WRIT PETITION NO.9357 OF 2024**

Hon'ble Secretary,
All India Shri Shivaji Memorial
Society & Anr.

....Review Petitioners

V/S

Prof. Anil Pundalikrao Desale
& Anr.

....Respondents

**WITH
REVIEW PETITION NO.132 OF 2025
IN
WRIT PETITION NO.9470 OF 2024**

Hon'ble Secretary,
All India Shri Shivaji Memorial
Society & Anr.

....Review Petitioners

V/S

Prof. Prafulla Raghunathrao Ahir
& Anr.

....Respondents

Mr. S.R. Ganbavale a/w Mr. Shantanu Patil *for the Review Petitioners in both Review Petitions.*

Mr. Vaibhav Kulkarni a/w Ms. Disha Rathod *for Respondent No.1 in both Review Petitions.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 07 AUGUST 2025.
(IN CHAMBER AT 5.30 P.M.)**

P.C.:

1 These Petitions are filed seeking review of order dated
4 March 2025 by which the Petitions filed by the Management
challenging the judgment and order dated 30 October 2023
passed by the University Tribunal came to be dismissed.

2 I have heard Mr. Ganbavale, the learned counsel appearing
for Review Petitioners and Mr. Kulkarni, the learned counsel
appearing for Respondent No.1 in both the Petitions.

3 For seeking review of the order dated 4 March 2025
following four contentions are raised:

i) That the University of Pune had prescribed the
qualification of First Class Master's Degree for appointment of a
Lecturer vide Circular No.262 of 1985 dated 21 August 1985 and
the Management was under obligation to follow the said
Circular;

ii) That Pune University had also issued letter dated 18 June
1997 to Principals of all affiliated Colleges observing that the
appointment orders were not being issued in prescribed format
and accordingly a format was prescribed for appointment of a
Teacher. That under clause 4(b) of format of such appointment, a

specific condition could be imposed for acquisition of qualification of Master's Degree within five years. That therefore incorporation of condition in the initial appointment order for acquisition of qualification of Master's Degree in first class within five years could not have been found fault with;

iii) That as per the judgment of the Hon'ble Apex Court in ***A.P.J. Abdul Kalam Technological University and another vs. Jai Bharath College of Management and Engineering Technology and others***,¹ though it is not permissible for Universities to dilute the norms and standards prescribed by All India Council for Technical Education (AICTE), it is always open for them to prescribe the enhanced norms. That therefore prescription of higher qualification by University than the one prescribed by AICTE and incorporation of such higher qualification in the appointment order is valid in view of the judgment of the Apex Court;

iv) That Section 5(9) of the Maharashtra Universities Act, 1994 empowers the University to prescribe qualifications *interalia* for the post of Lecturers.

4 It must be observed at the very outset that neither the above four points were urged before me when the main Petitions were decided on 4 March 2025 nor the documents now sought to be produced were relied upon. Those points and documents were

1 (2021) 2 SCC 564

also not raised/produced before the Tribunal. The judgment of the Apex Court in ***A.P.J. Abdul Kalam Technological University*** (supra) was also not relied upon when the Petitions were decided on 4 March 2025. No case is made out in the Review Petitions as to how the Review Petitioners were prevented from producing the additional documents at the time of decision of the main Petitions. Therefore, no case for review of the order is made out. However, even if one momentarily ignores the objection of non-reliance by the Petitioner of the additional documents and judgment at the time of decision of main Petitions, I find that the additional documents and the Apex Court judgment do not make the case of Review Petitioners any better.

5 In my view, the judgment of the Apex Court in ***A.P.J. Abdul Kalam Technological University*** (supra) recognizes the right of the Universities to prescribe enhanced norms for setting up of new Colleges than the one prescribed by AICTE. The said judgment does not deal with the issue of qualifications nor the Hon'ble Apex Court has recognized the principle that Colleges and Universities can prescribe qualifications higher than the one prescribed by AICTE while making appointments of Teachers. It is well settled position of law that a judgment is an authority for what it decides and not what can be logically deduced therefrom. Since judgment of the Apex Court in ***A.P.J. Abdul Kalam Technological University*** has no application to the present case, reliance of the Review Petitioners on the

Circular dated 21 August 1985 and Letter dated 18 June 1997 becomes meaningless.

6 This Court has already taken a view in ***Sanjivani Gramin Shikshan Sanstha vs. Dipesh Bhaurao Pardeshi***² that it is impermissible for either University or the Management to incorporate qualifications higher than the one prescribed by the AICTE. Therefore, the power of Management to prescribe the qualification of Master's Degree in the appointment order cannot be justified on the basis of Section 5(9) of the Maharashtra Universities Act, 1994.

7 However, my finding that the judgment in ***A.P.J. Abdul Kalam Technological University*** does not apply to prescription of qualification is rendered only for the limited purpose of deciding the issue of termination of services of Respondents and the issue as to whether the Management is entitled to stop the increments of a Lecturer who does not acquire Master's Degree within five years is expressly kept open. It appears that the Management in the present case had stopped increments of the Respondents on account of non-acquisition of Master's Degree within a period of five years and the Respondents have questioned the said action by filing separate Petitions before the Division Bench. At this stage, Mr. Kulkarni would complain that the Management has not paid a farthing to the Respondents towards implementation of order of the

² WP No.4136 of 2016, decided on 2 December 2016 (Aurangabad Bench)

Tribunal. Mr. Ganbavale would submit that since Review Petitions are being rejected, the Management is prepared to pay backwages (subject to their right of further appeal) on the basis of stopped increments. Mr. Kulkarni would fairly submit that while computing the amount of backwages payable in terms of paragraph 52 (iv) of the Order of the University Tribunal, the Management can, at the moment, compute the backwages without the increments subject to outcome of the Writ Petitions filed by the Respondents before the Division Bench.

8 In my view therefore, no case is made out for review of the order dated 4 March 2025. Both the Review Petitions are accordingly **rejected**.

(SANDEEP V. MARNE, J.)

Digitally signed
by
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