



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Dist. Jalgaon

PUBLIC INTEREST LITIGATION NO.26 OF 2024

Lalchand Avachit Patil,
Age: 71 years, Occupation: Nil – retired as Principal,
Pratap College, Amalner, Dist. Jalgaon.
R/o 12, Siddhant, Saraswati Colony, Amalner,
Dist. Jalgaon – 425 401.

.....PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Principal Secretary,
Higher and Technical Education Department,
Mantralaya, Mumbai 400 032.
2. The Director of Higher Education,
Maharashtra State,
Central Building, Pune 411 001
3. The Additional Chief Secretary,
General Administration Department,
Mantralaya, Mumbai 400 032.
4. The Additional Chief Secretary,
Finance Department,
Mantralaya, Mumbai 400 032.
5. The University Grants Commission,
Bahadur Shah Jafar Marg,
New Delhi 110 002,
Through its Secretary.
6. The Advocate General of the State of Maharashtra,
High Court Extension Building,
High Court premises,
For, Mumbai.

.....RESPONDENTS

Mr. Ajay Shantaram Deshpande, Advocate for the petitioner.
Mr. Bhushan B. Kulkarni, Advocate for respondent no.5.
Mr. V. M. Kagne, AGP for respondents-State

CORAM : SMT. VIBHA KANKANWADI AND
AJIT B. KADETHANKAR, JJ.

DATE : 24TH APRIL, 2026

JUDGMENT :- (*Per Ajit B. Kadethankar J.*)

. Rule. By consent of the parties, we have heard this Public Interest Litigation for final disposal. Rule made returnable forthwith.

2. The Petitioner has presented Public Interest Litigation with following prayers:

“(A) This Public Interest Litigation may kindly be allowed;

(B) This Hon’ble Court may be pleased to direct respondents to evolve a mechanism for selection of Senior College Teachers in aided institutions run by Private managements/NGOs, aiming at ‘merit based selection’ so also utmost transparency in the selection process, which should culminating eliminating the vices in the existing selection process.

(C) The respondents may kindly be directed to a committee of experts and / or academicians for the purpose of evolving transparent and merit based selection of the Senior College Teachers in the State.

(D) Any other suitable and equitable relief, to which the petitioner is found entitled to and this Hon’ble Court deems fit, may kindly be granted.”

3. Mr. Ajay Deshpande, learned advocate for the Petitioner urges that the State Government introduced Shalarth System for implementing uniform policy and transparency in appointments in the private schools in the State.

He would submit that some common and uniform modality is also required to be implemented in the appointments to be done in the private aided colleges in the State. His thrust is on transparency to be maintained while making appointments in the private aided colleges.

4. On our query, Mr. Deshpande agrees that the University Grants Commission (“UGC” for the sake of brevity) is the apex body which has overall control over the matters of appointment of teaching staff in the aided private colleges. He agrees that the UGC has laid down a concrete mechanism as regards to suitability of appointments corresponding to the Courses, uniform methods to ensure sufficient and adequate transparency in the appointments and such other parameters which would ensure model appointment process. It is not disputed that in order to maintain maximum transparency and uniform procedure in all senses in the appointment affairs in the aided private colleges, the State machinery must implement and also direct the concerned institutions to adhere to the UGC guidelines. However, Mr. Deshpande submits that often the guidelines issued by UGC remain on paper, and the directors of the private aided colleges overpower the selection system.

5. Mr. Deshpande, Learned advocate on instructions of his client - the Petitioner, who is personally present in the Court, submits that the State Government must scrupulously adhere to the modality and the procedure laid

down by the University Grants Commission while permitting appointments of Assistant Professors, Associate Professors and Professors in the aided private colleges in the State. Demonstrating that the Petitioner has no personal interest in the subject-matter of the Public Interest Litigation, Mr. Deshpande urges to issue adequate directions to the State Government. He submits that very soon there would be a selection procedure on mass level in the State to fill up the vacancies in the private aided colleges in the State. The Petitioner is keen to seek directions to the state government to implement a uniform and transparent policy in making such appointments. He submits that there should absolutely no or at the most, least interference by the managements in the appointments to ensure that only meritorious candidates are appointed on the vacancies.

6. Mr. V. M. Kagne, learned Assistant Government Pleader raises preliminary objection on maintainability of the Public Interest Litigation. He would submit the its trite law that a Public Interest Litigation is not maintainable in the service matters. He relies upon paragraph no. 16 of the Judgment and order passed by the Honorable Supreme Court in the case of ***Dattaraj Nathuji Thaware Vs. State of Maharashtra and ors.*** reported at ***(2005) 1 SCC 590*** which is reproduced as below:

“As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that courts are flooded with a large number of so-called public interest litigations where even

a minuscule percentage can legitimately be called as public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in a large number of cases, yet unmindful of the real intentions and objectives, courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilised for disposal of genuine cases. Though in Duryodhan Sahu (Dr.) v. Jitendra Kumar Mishra this Court held that in service matters PILs should not be entertained, the inflow of so-called PILs involving service matters continues unabated in the courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Apart from the sinister manner, if any, of getting such copies, the real brain or force behind such cases would get exposed to find out the truth and motive behind the petition. Whenever such frivolous pleas, as noted, are taken to explain possession, the court should do well not only to dismiss the petitions but also to impose exemplary costs. It would be desirable for the courts to filter out the frivolous petitions and dismiss them with costs as aforesaid so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts”

7. We have cautiously heard the objection raised by the Learned Assistant Government Pleader on maintainability of the Public Interest Litigation. We can not forego the observations made by the Honorable Supreme Court recently in the case titled as ***Pratap Singh Bist v. The Director, Directorate of Education, Govt. Of NCT Of Delhi & Ors., (Diary No(S).41779/2023)***. In *Pratap Singh Bist* case (supra), the Honorable Supreme Court observed that maintainability of a Public Interest Litigation in Service law is a debatable issue and is kept open for further consideration. The observations are thus:

“4. In this view of the matter and having regard to the fact that the respondent nos.5 to 17 have already served for almost 15 years, we are not inclined to entertain these special leave petitions against their selection or appointment. However, the second reason assigned by the High Court, namely, that “PIL is not at all maintainable in service matters” in view of the decision of this Court in Dr. Duryodhan Sahu and Others vs. Jintendra Kumar Mishra and Others, (1998) 7 SCC 273, is a debatable issue and the said question of law is kept open, to be gone into an appropriate case.”

8. On this backdrop, keeping the issue on maintainability open we called upon the parties to address on the core issue of ‘necessity vis-à-vis provision’ for modality in appointment in the private aided colleges in the State.

9. During the course of hearing, we came across a Government Resolution dated 11.02.2026 bearing No.HTDE-E-No.967350/2025-MHT-(HE-5) [hereinafter referred as 2026 GR]. It appears that the State Govt. has now formed decision to undertake recruitment on 5012 vacancies in the aided private colleges falling under the Higher and Technical Directorate of the State. Mr. Deshpande’s submission is that it’s the high time that the State Government be directed to observe some modality in the selection procedure.

10. With the able assistance of the Learned advocate for the Petitioner Mr. A. S. Deshpande, Learned Assistant Government Pleader Mr. V. M. Kagne, and MR. B. B. Kulkarni, learned advocate representing the UGC through VC, we have gone through the contents of the Government Resolution dated 11.02.2026.

11. We find that the State Govt. has accorded sanction to fill up 5012 vacancies in the private aided colleges in the State. We also find that the Government Resolution takes care of entire selection procedure. The “Dos and Don’ts” are clearly mentioned in the Government Resolution. Pertinently, the Government Resolution has laid down the modality and the parameters to be followed by the selection machineries while making the appointments. We are keen to see if the State Government has taken cognizance of the UGC guidelines while proposing to fill up the vacancies in the private aided colleges in the State. The search ends at clause No.2.4 of the 2026 GR.

12. For the sake of convenience, paragraph No.2.4 of the Government Resolution dated 11.02.2026(supra) is reproduced as below:-

“२.४ विद्यापीठ अनुदान आयोगाने वेळोवेळी दिलेल्या मार्गदर्शक सूचना तसेच शिक्षकीय पदांकरीता निहित केलेल्या निकषांचे पालन करूनच अर्हताप्राप्त उमेदवारांमधून पदभरती प्रक्रिया पारदर्शकपणे राबवण्यात यावी.”

13. Considering the clause 2.4 (supra), we are of the opinion that the Petitioner’s grievance stands redressed by the latest 2026 GR, particularly in the light of its clause 2.4. Mr. Deshpande, in all fairness agrees that now the State Govt. ‘at-last’ and ‘at-least’ has agreed that the uniform parameters of the UGC shall be observed. However, he insists that the text of the Government Resolution must not remain on paper, and that the Government must ensure that the Government Resolution is followed by the concerned institutes, universities and selection machineries meaningfully.

14. Mr. Kagne, learned A.G.P. has strong objection to the apprehension expressed by Mr. Deshpande. Mr. Kagne submits that there is no reason why the State or the selection machineries would give go-by to the instructions incorporated in the Government Resolution dated 11.02.2026. He submits that certainly the Government Resolution has to be followed by the concerned institutes and the selection machineries.

15. As such, we find that the very grievance of the Petitioner is answered by the Government Resolution dated 11.02.2026. Its made peremptory by the State Government that in no case any appointment could be made in exception to the UGC guidelines. Upon our query, the Petitioner could not point out a single incidence after issuance of the Government Resolution dated 11-02-2026 (supra), showing that an appointment is done in violation of UGC guidelines. So far as ensuing appointments are concerned, there could be no debate on adherence to the '2026 GR'. We notice that the Petitioner is at pains in anticipation of disobedience by the College Managements to the UGC guidelines. However, in the light of the crystal-clear mandate laid down by the State Govt. in 2026 GR, we are of considered opinion Petitioner's mere anticipation does not warrant interference of this Court u/a 226 of the Indian Constitution for any extended directions.

16. Hence in the light of above, recording the objection of the learned Assistant Government Pleader on maintainability of the present Public Interest Litigation; and also recording the statement on implementation of the

Government Resolution dated 11.02.2026, we dispose of the Public Interest Litigation.

17. We find that no further orders are needful to be passed in the subject-matter in view of the aforesaid discussion at this juncture.

18. The Public Interest Litigation stands disposed of. Rule stands discharged in above terms.

(AJIT B. KADETHANKAR, J.)

(SMT. VIBHA KANKANWADI, J.)