



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12581 OF 2025

1. Babu S/o Irappa Khadakbhavi
Age : 64 years, Occ : Service as
Principal at College of Engineering,
Ambajogai, Dist. Beed,
R/o Ishwar Waghala Road,
Ambajogai, Tq. Ambajogai,
Dist. Beed.
2. Mahatma Basweshwar Education
Society, Latur
Through its Secretary
Madhavrao Hanmantrao Patil (Taklikar),
Aged : 63 years, Occ : Agriculture,
R/o Behind Kalikadevi Temple,
Old Ausa Road, Latur,
Tq. & Dist. Latur.

... PETITIONERS

...VERSUS...

1. The State of Maharashtra,
Through the Secretary to the
Government of Maharashtra in
Higher & Technical Education
Department, Mantralaya, Fort,
Mumbai - 32
2. The Vice-Chancellor,
Dr. Babasaheb Ambedkar
Technological University,
Lonere, Tq. Maan, Dist. Raigad.
3. The Registrar,
Dr. Babasheb Ambedkar
Technological University,
Lonere, Tq. Maan, Dist. Raigad.

... RESPONDENTS

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- Mr. N.P. Patil Jamalpurkar, Advocate for Petitioners
 - Mr. M.K. Goyanka, AGP for Respondent/State
 - Mr. S.S. Tope, Advocate for respondent nos.2 and 3

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CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL – JADHAV, JJ.

DATED : APRIL 29, 2026

JUDGMENT [Per Vaishali Patil – Jadhav, J.] :

. Rule. Rule made returnable forthwith. Heard finally with the consent of learned advocates for the parties.

2. By this Petition, the petitioners challenge the communications dated 05.05.2025 and 23.07.2025 issued by Respondent No. 3 – The Registrar of Dr. Babasaheb Ambedkar Technological University, Lonere, whereby instead of granting continuation of approval to the appointment of Petitioner No.1 as Principal, College of Engineering, Ambajogai, the Respondent-University insisted upon constitution of a Review Committee and initiation of a fresh process for appointment to the post of Principal, thereby obstructing the continuation of Petitioner No.1, despite the proposal submitted by Petitioner No. 2-Mahatma Basaweshwar Education Society, Latur for such continuation.

The petitioners further seek a direction to Respondent Nos.2 and 3 to consider the proposal dated 14.05.2024 submitted by Petitioner No. 2 and grant approval to the appointment/continuation of

Petitioner No. 1 as Principal, College of Engineering, Ambajogai, till he attains the age of superannuation i.e. 65 years, in terms of Clause 2.12 of the All India Council for Technical Education (AICTE) Regulations dated 01.03.2019 and the Government Resolutions dated 14.01.2016, 12.07.2016 and 20.10.2016.

3. Facts of the case, in brief, are as follows:

Petitioner No.1 is presently serving as a Principal of the College of Engineering, Ambajogai, (initially affiliated to Dr. Babasaheb Ambedkar Marathwada University, Aurangabad), an institution established in the year 1993 (as per the permission and recognition granted by the State Government and All India Council for Technical Education (AICTE)) and run by Petitioner No.2 – Mahatma Basaweshwar Education Society, Latur, a registered Public Trust.

Petitioner No.1 was initially appointed as an Assistant Professor on 12.08.1993 and was additionally assigned with the charge of Incharge Principal. He was thereafter appointed as a Regular Principal vide order dated 27.11.2012. The said appointment was approved by the then affiliating University, Dr. Babasaheb Ambedkar

Marathwada University, Aurangabad, by communication dated 28.12.2012, for a period of five years.

4. Thereafter, on 07.09.2017, Petitioner No. 1 applied to the University for correction in the approval order dated 28.12.2012 and seeking permanent approval to his appointment as Regular Principal. Subsequently, the University issued an order dated 24.11.2017 granting continuation of approval to the appointment of Petitioner No.1 without prescribing any fixed tenure.

5. As the earlier period/tenure of approval of Petitioner No.1 was to expire on 28.11.2022, Petitioner No.1 submitted a proposal to respondent no.2 on 12.10.2022 seeking correction and continuation of permanent approval, till the age of 65 years, relying on Clause 2.12 of the AICTE Regulations of 2019 and the Government Resolutions dated 14.01.2016, 12.07.2016 and 20.10.2016, whereby, the age of superannuation of Principals/Heads of technical institutions is prescribed as 65 years, with further provision for extension in certain cases.

6. Again petitioner No.2 forwarded a proposal dated 14.05.2024 to Respondent No.2-University seeking approval to the

continuation of Petitioner No.1 as Principal. Thereafter, reminders and representations came to be made on 25.06.2024, 04.07.2025, 27.08.2024 and 27.09.2024. Despite the valid proposal and repeated reminders and representations by both the Petitioners, Respondent No.2 did not take any decision thereon. Instead, Respondent No.2 issued communications dated 05.05.2025 and 23.07.2025 directing constitution of a Review Committee for assessing the performance of Petitioner No. 1 before granting approval to his continuation, by nominating a person as a representative of the management.

Aggrieved by the inaction of the Respondents, the present Petition is filed.

7. In view of the decision of Co-ordinate Bench of this Court (Coram : Bharati Dangre & Ashish S. Chavan, JJ.) in Writ Petition No.755 of 2024 (**Dr. Vilasini Devi Nair Vs. Goa Institute of Management & Ors**), wherein this Court has conclusively held that the AICTE Regulations, 2019, particularly clause 2.12, prescribing the age of superannuation as 65 years are mandatory and binding upon AICTE - Approved Technical Institutions. Petitioner No.2, being Approved Technical Institution by AICTE, the Regulations of 2019 and clause 2.12 is binding on the institution as well as Respondent Nos.2 and 3.

8. The case of the petitioner is squarely covered by the decision in Dr. ***Vilasini Devi Nair (supra)***. While deciding the Writ Petition, this Court formulated the following issues :-

"A. Whether the action of the Respondent-Goa Institute of Management in forcefully superannuating the Petitioner vide issuance of the Impugned Order is arbitrary, unjust and in blatant violation of the 2019 Regulations framed by the AICTE under the AICTE Act, 1987 and as such is liable to be quashed and set aside?

B. Whether the Institute, having received AICTE approval from the year 1994 onwards, and having renewed the same on a yearly basis, was bound to follow the 2019 Regulations, and at the most could frame rules/regulations/guidelines, only in strict accordance with the 2019 Regulations and as such the Faculty Manual of the Respondent No.1- Institute to the extent that it is de hors the 2019 Regulations is liable to be quashed and set aside?

C. Whether the Impugned order, and the Impugned Faculty Manual, inasmuch as it prescribed the age of superannuation in the Institute to be 60 years and not 65 years, is unsustainable, in wake of Regulation 2.12 of the 2019 Regulations?

D. Whether the Institute has failed to appreciate that the 2019 Regulations framed by AICTE, established under a Central Act, has the force of law, and as such it was not open to the Institute to substitute or take a divergent view

than that of which was prescribed under the 2019 Regulations?”

9. The relevant observations of the Court are as follows :-

"18. The aforesaid Regulation was revised by formulation of the 2019 Regulations on 1/03/2019 to be referred as All India Council for Technical Education, Pay-scales, Service Conditions and Minimum Qualifications for Appointment of Teachers and Other Academic Staff such as Library, Physical Education and Training & Placement Personnel in Technical Institutions and Measures for the Maintenance of Standards in Technical Education- (Degree) Regulation, 2019.

The Regulation clarified that it shall apply to degree level technical institution and universities, including deemed universities imparting technical education and such other courses/programs approved by AICTE and areas notified by the council from time to time. The Regulation declared the effective date of application of the service condition as 1/1/2016. It prescribed the new pay structure with the levels and scales as well as pay matrix and fixation of revised pay, along with incentives for PhD and other higher qualifications etc.

The Regulations also prescribed the minimum qualification for recruitment including the experience, research contribution at various levels. The relevant clause regarding Age of Superannuation read thus:-

“2.12 Age of Superannuation

The age of superannuation of all faculty members and Principals / Directors of institutions shall be 65 years. An extension of 5 years (till the attainment of 70 years of age) may be given to those faculty members who are physically fit, have written technical books, published papers and has

average 360° feedback of more than 8 out of 10 indicating them being active during last 3 preceding years of service.”

"26. The issue about the applicability of the AICTE norms in form of the Regulations being applicable to the teachers in the technical institutions which are governed by AICTE was time and again raised and answered by various courts, on various occasions.

The importance of the AICTE Regulations was also highlighted on more than one occasion and in case of Parshvanath Charitable Trust (supra), it was recorded thus:-

“AICTE is the Authority constituted under the Central Act with the responsibility of maintaining operational standards and judging the infrastructure and facilities available for imparting professional education and it shall precedents over the opinion of a State as well as that of the University. The department concerned of the State and the affiliating university have a role to play, but it is limited in its application, and they cannot lay down any guidelines or policies in conflict with the Central Statute or the standards laid down by the Central Body. The State can frame its policies, but such policy again has to be in conformity with the directions issued by the Central Government.

It is also a settled principle that the Regulations framed by Central Authority such as AICTE have the force of law and are binding on all concerned. Once approval is granted or declined by such expert body, the courts would not normally substitute their view in this regard”.

It is in the wake of the aforesaid premise, the Apex Court held that if it is the requirement of law that there should be strict adherence to the time schedule for grant of approval as well as for admissions without exception and when AICTE under subsection (1) of section 23 of the Act has made Regulations namely All India Council for Technical Education (Grant of approval for starting new technical

institutions, from introduction of courses or programs and approval of intake capacity of seats for the courses or programmes) Regulations, 1994, the schedule prescribed therein has statutory backing and its adherence is mandatory and not directory.

Non-adherence of the schedule was held to be violative of the statutory mandate and it was directed that the authorities concerned particularly AICTE should ensure proper and timely action on the application submitted to it and in no uncertain terms it was declared that ‘No person or authority shall have the power or jurisdiction to vary the schedule prescribe by AICTE’.

27. The Punjab and Haryana High Court, in the case of Dr.Jogender Pal Singh and ors vs. Union of India & Ors (CWP-20047 of 2020), faced with an identical question of applicability of the age of superannuation as prescribed in AICTE Regulations 2019 being juxtaposed against the conditions of service of Union territory of Chandigarh Employees Rules 1992, where the age of superannuation was prescribed as 58 years.

With an argument being advanced that the rules framed under Article 309 of the Constitution shall cease to operate with coming to force with AICTE regulations 2010 followed by AICTE regulations 2019 and therefore the age of superannuation of the petitioner would be 65 years, with a further provision of extension in light of the Regulation and not 58 years as was pressed into service by the respondent, the question that arose for consideration before the High Court was formulated in the following words:-

“Whether the notification dated 13/01/1992 issued under proviso to Article 309 of the Constitution that are the Conditions of Service of Union Territory of Chandigarh Employees Rules, 1992 would still hold the field even when it is in conflict with the provisions of AICTE Regulations 2010 and 2019 which are promulgated under the powers conferred under sub-section (1) of Section 23

r/w section 10 (g)(h)(i) of the AICTE Act, 1987 and in case of petitioner no.2, UGC Regulations, 2010 and Council of Architecture Regulations, 2017 framed under Architecture Act, 1972.”

The aforesaid question is answered with reference to the specific provisions of the AICTE Act, 1987 and in specific section 10, the functions of the Council to be read with Section 23 conferring the power upon the Council to frame Regulations, resulting into AICTE Regulations, 2010 and 2019. By referring to clause 2.19 of regulations of 2019 prescribing the age of retirement, the conclusion derived is recorded in the following words:-

“28. In view of the above, we are of the considered view that the services of the petitioners are governed by the AICTE Regulations, 2010/2019, according to which, the age of superannuation of the petitioners would be 65 years with provision for extension of 5 years subject to the requirements of the Regulations, and, therefore, the action of the respondents in declining the representations / claim of the petitioners for continuing them in service till the age of 65 years as per the AICTE Regulations/Architecture Regulations is unsustainable.

29. As held above, the Conditions of Service of Union Territory of Chandigarh Employees Rules, 1992 issued vide Notification dated 13.01.1992 (Annexure A-3) would not be applicable to the petitioners so far as they are inconsistent with the Architecture Regulations, 2017 qua petitioner no.2 and AICTE Regulations qua other petitioners as they cease to operate from the date the above Regulations came into effect respectively. The action of respondents No.4 to 7 retiring the petitioner at the age of 60 years i.e. 58 years with 2 years extension by applying the Conditions of Service of Urban Territory of Chandigarh Employees Rules, 1992 as notified on 13.01.1992 (Annexure A-3) is illegal and thus set aside.”

The aforesaid decision being challenged by the Chandigarh Administration (Union Territory) before the Apex Court, the Special Leave Petition was withdrawn, thus, affirming the finding rendered by the High Court."

"35. We have therefore taken note of the authoritative pronouncements from various Courts, delivered from time to time, on being confronted with the issue about applicability of the AICTE Regulations governing the service conditions of the employees in technical institutions including the age of retirement, which has given primacy to the said Regulation by holding that if for the purposes of recruitment, the qualifications prescribed by the AICTE are applicable and even their pay-scales are governed by AICTE norms as AICTE is entrusted with the responsibility of proper planning and coordinated development of technical education system throughout the country by applying the standards in a uniform manner, and with AICTE being declared as an Apex body entrusted with the aforesaid task and when it has framed Regulations in that regard, a consistent view adopted is that the Regulations shall govern the age of retirement of the teaching staff and particularly Assistant/Associate Professor working in technical institutions."

"39. In the wake of the aforesaid discussion, we do not find justification in denying the benefit of clause 2.12 of Regulation 2019, to the Petitioner as the petitioner was recruited as Assistant Professor while the Regulation of 2019 is in force and the impugned communication dated 26/03/2024, directing her to superannuate with effect from 30/06/2024, cannot be sustained and is liable to be quashed and set aside."

10. The aforesaid observations are applicable to the facts of the present case.

11. The Government Resolutions dated 14.01.2016, 12.07.2016 and 20.10.2016 which prescribe age of superannuation of Principal/Head of Technical Institution as 65 years with further provision for extension in certain cases upto 70 years, supports the case of the petitioner. Hence, we pass the following order :-

ORDER

- (I) Writ Petition is allowed in terms of prayer clause "B" and "C".
 - (II) Since the petitioner No.1 is already appointed by petitioner No.2 - Management on the post of Principal, till he completes 65 years of age, respondents No. 2 and 3 shall grant approval to his appointment within a period of two weeks from today and pay all the consequential benefits to petitioner No. 1.
 - (III) In view of disposal of writ petition, civil application stands disposed of.
12. Rule is accordingly made absolute.

[VAISHALI PATIL – JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]