



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION NO. 273 OF 2025
IN
WRIT PETITION NO. 5146 OF 2020**

Dilip Chhagan Chavan

.. Applicant

VERSUS

Dr. Babasaheb Ambedkar Marathwada University
Aurangabad, through its Registrar & Ors.

.. Respondents

Smt. Asha Rasal h/f. Mr. B.A. Dhengle, Advocate for the applicant.
Smt. Jayshri P. Reddy, AGP for respondent No.3.

CORAM : KISHORE C. SANT, J.
RESERVED ON : 12.02.2026
PRONOUNCED ON : 17.02.2026

ORDER :-

01. This application is filed by original respondent No.4 in Writ Petition No. 5146 of 2020, seeking review of the judgment and order dated 31.01.2025 in the said Writ Petition.

02. Facts in short are that the applicant-original respondent No.4 was working in one Sonamai Mahila College, Shahada, Dist. Nandurbar as a Principal. Pursuant to the advertisement issued by the petitioner – college, the applicant applied for the post of Principal. He was selected and was appointed in the College. The appointment was approved by the

University for a term of five years as per the University Grants Commission (UGC) Regulations prevailing then. The applicant though had raised grievance about fixed term of five years, however, did not pursue the same. The University and the Authorities did not consider the representation. The same position continued.

03. The appointment order for a term of five years was to come to an end. The petitioner-Management in that view passed a resolution on 10.01.2017 to the effect that the appointment of the applicant was for five years and he should be relieved. On 13.01.2017 the Principal tendered a resignation. However, immediately within four days, the applicant prayed to the petitioner-Management to cancel the resignation. He also issued a letter to the University on 25.01.2017. However, no request was accepted. The applicant, therefore, approached the College Tribunal with a case of otherwise termination stating that he was forced to resign from the post. It is also accepted that when he joined the services with the Management, he had kept lean over his post in the earlier college. It now transpires that the said college within three months communicated to the applicant that the post of Principal cannot be kept vacant for a term of five years and cancelled the lean. No steps are taken against the said action of the earlier Management.

04. The learned College Tribunal considered the UGC regulations, however, recorded that in the advertisement there was no mention that the appointment is only for five years and therefore, the same could not have been for five years. It accepted the case that the resignation was taken by pressurizing the Principal and thus allowed the appeal.

05. The Management, therefore, came to this Court. This Court considered various judgments and UGC regulations and held that in the advertisement though no period of five years was stated, however, it was clearly stated that the appointment would be as per the UGC regulations. Mere non-mentioning of term in the advertisement will not prevail upon the rules and regulations. When regulations clearly stipulate term of five years, then the same is binding on all the parties. Clause 5.1.6(d) of the regulations is clear.

06. This Court thus found that the observations of the College Tribunal are not correct and set aside the order by allowing the Writ Petition. Though it was pointed out that clause 5.1.6 (d) was subsequently held to be unconstitutional, however, that was in 2020. The respondent was allowed to retire in 2017 itself and the position cannot be

reversed.

07. It is a ground in the Review Application that this Court has wrongly observed that in the advertisement there was clear stipulation that the term is of five years. This Court finds that this observation is against the record. However, the fact remains that even if tenure is not mentioned in the advertisement, that will not change the legal position and that will not negate the binding effect of UGC Regulation No.5.1.6. It is further argued that this Court did not appreciate correctly that the applicant had not accepted the term of five years by making representation. Since, there is no reply to the representation, the representation is still pending. It is also argued that the documents were produced for the first time before this Court by way of affidavit were considered.

08. However, it was to the knowledge of the applicant. The applicant did not file reply to the said affidavit or did not deny the documents. The applicant even did not mention that he had also filed Writ Petition challenging the very same judgment, as back-wages were not given to him. Even it was not pointed out to this Court that said Writ Petition is pending.

09. This Court thus finds that though ground is taken that in the advertisement there is no time stipulation given and still Court has observed that it is stipulated, even considering this aspect, this Court hardly finds that, it would make any difference and the result would be different. This Court thus finds that no case is made out that by correcting the said mistake, the result would be otherwise. This Court has considered all the aspects and finds that no error apparent on the face of record as such is pointed out, making out a case to recall the impugned judgment and order under review.

10. This Review Application stands dismissed.

[KISHORE C. SANT, J.]