

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11664 OF 2024

Zeal Education Society

....Petitioner

Versus

Ravindra Mohanrao Gadge & Anr.

....Respondents

Mr. Sugandh Deshmukh a/w. *Aniket Kanawade, Bhushan G. Deshmukh, Vaibhav Thorave, Aryan M. Deshmukh, Irvin D'Souza, & Karishma Shinde, for Petitioner.*

Mr. Rajendra Anbhule, *for Respondent No.2.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 23, 2026

ORAL JUDGEMENT :

1. Rule. Rule is made returnable forthwith. By consent of the parties, the matter is heard finally.
2. The matter had been heard on an earlier occasion with a view to crystallise the specific issues involved.
3. The core question that falls for consideration is whether an Assistant Professor, who is entitled to complete his Ph.D. within a period of seven years in terms of the norms applicable under the AICTE

Notification dated November 28, 2005, is also entitled to be placed in the pay scale of Associate Professor on completion of three years after appointment as an Assistant Professor.

4. The original designations stood redesignated to Assistant Professor, Associate Professor and Professor by a Notification dated March 5, 2010. The General Conditions in the said notification, are noteworthy:

(i) *There shall be only three designations in respect of teachers in universities and colleges, namely, Assistant Professors, Associate Professors and Professors. However, there shall be no change in the present designation in respect of Library Personnel at various levels.*

(ii) *No one shall be eligible to be appointed, promoted or designated as Professor, unless he or she possesses a Ph.D. and satisfies other academic conditions, as laid down by the AICTE from time to time. This shall, however, not affect those who are already designated as 'Professor'.*

(iii) *The pay of teachers and equivalent positions in Technical institutions shall be fixed according to their designations in two pay bands of Rs. 15600-39100 and Rs. 37400-67000 with appropriate "Academic Grade Pay" (AGP in short). Each Pay Band shall have different stages of Academic Grade Pay which shall ensure that teachers and other equivalent cadres covered under this Scheme, subject to other conditions of eligibility being satisfied have multiple opportunities for upward movement during their career.*

(ix) *Incumbent Assistant Professor and Incumbent Lecturers (Selection Grade) who have completed 3 years in the pre-revised pay scale of Rs. 12,000-18,300 on 01.01.2006 shall be placed in Pay Band of Rs. 37400-67000 with AGP Pay of Rs. 9000 and shall be re-designated as Associate Professor.*

[Emphasis Supplied]

5. On a plain reading of the Impugned Order, it is apparent that the parties are left without any insight into what weighed with the Learned Grievance Committee. In a nutshell, all that is stated in the Impugned Order is that the terms and conditions applicable to an educational institution would apply to the educational institution. It contains no reasoning of any nature whatsoever on the contentions that were presented to it.

6. Therefore, this is a fit case for a remand, but I do not think the parties should run the risk of another unsatisfactory outcome on remand without the scope of consideration being spelt out.

7. It is made clear that based on the Notification dated March 5, 2010, the Grievance Committee must answer is whether as a matter of law, Respondent No.1 (who has now passed away) was entitled to the pay scale of Assistant Professor upon completion of three years, must be squarely dealt with.

8. Learned Advocate for Respondent No.1 fairly states that he has *not* even claimed any *increment* because the same would have become due only when he indeed completed his Ph.D, which he did in 2016. At that stage, he was placed in the post of Professor directly. The dispute relates to his entitlement to the pay scale that ought to be applicable to upon completion of three years in the role as Assistant Professor.

Learned Advocate for the Petitioner contends that on completion of three years the upgraded designation would be given, with no upgrade in pay scale unless Ph.D. is completed.

9. Needless to say, when the law permits seven years to complete the Ph.D. and also entails an Assistant Professor being placed in the pay scale of Associate Professor, *prima facie* it would follow that upgradation is not merely in name with no change in the payscale. When seven years are permitted for completion of a Ph.D., it would not follow that one would wait for seven years to be transferred to the post of Associate Professor with pay scale too being deferred, or that with an upgraded designation with no change in pay scale.

10. These are issues that ought to have been squarely dealt with by the Grievance Committee, particularly when the Petitioner has relied upon a decision of the Supreme Court in ***Secretary, All India Shri Shivaji Memorial Society (Assims) and Ors.***¹, which deals with other similarly placed individuals. A plain reading of the said judgement would also show that one of the employees involved in that case, one, Dr. Madhavi Ajay Pradhan had indeed acquired a Ph.D. subsequently and the Court had directed that benefits ought to have been released. The Court also

1 Secretary, All India Shri Shivaji Memorial Society (Assims) and Ors. v. State of Maharashtra 2025 SCC OnLine SC 689

indicated that anyone completing Ph.D. would be entitled to claim benefits in accordance with law.

11. Essential fact-finding requirements have to be met and applied, such as the date of completion of Ph.D., and the applicable pay scale. The grievance was meant to be dealt with by the Grievance Committee. Considering the non-application of mind in the Impugned Order to answering the specific issue, the Respondent No. 1 who is the beneficiary of the Impugned Order, is also left without reasons in the Impugned Order to defend it well.

12. Therefore, it is made clear that the Grievance Committee shall address itself to the specific facts of the case, including the date of appointment; the date of placement in the next category; the date on which the next pay scale should be made applicable; the date of completion of Ph.D; the date from which the upgraded payscale would apply and the date from which increments would apply; and a clear finding as to whether the upgradation would be only in designation with pay scale having to await for the completion of Ph.D.

13. It is also made clear that since Respondent No.1 has expired, and it is his spouse who is pursuing the claim to monetary benefits, the parties shall be permitted to be represented by advocates so that the issues can be explained to the Committee.

14. With the aforesaid directions, the Impugned Order is set aside by way of remand, making it clear that the aforesaid issues in this judgment would be squarely addressed by the Grievance Committee and duly dealt with. It is also made clear that only the aforesaid issues shall fall for consideration, and no other issues which have already been covered in the past would be permitted to be reopened.

15. Since the issues have already been crystallised, the Grievance Committee is requested to convene a meeting no later than February 5, 2026 at 12.00 noon. On that day, appropriate instructions shall be given to the parties to place their specific submissions, so that the matter can be concluded within a timeframe of three months from February 5, 2026.

16. With the aforesaid directions, the Petition is *finally disposed of*.

17. Rule is made absolute in the aforesaid terms.

18. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]