

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

**Interim Application No. 822 of 2026
In
Writ Petition (st)No. 92942 of 2020**

Mr. Bharat Pandharinath Shinde ... Applicant

In the matter between

Dr. Gotan Hiralal Jain and others ... Petitioners

V/s.

The State of Maharashtra and others ... Respondents.

Ms. Devyani Kulkarni for the Applicants.

Mr. N.C. Walimbe, Addl.G.P. a/w. S.P.Kamble, AGP for the
Respondents-State.

Mr. Jainandra Sheth i/b. Rui Rodrigues for Respondent No.5.

**CORAM : M.S. KARNIK &
S.M. MODAK, JJ.**

DATE : 16th February 2026.

P.C. :

Heard learned counsel for the Applicant.

2. This application is filed by Dr. Bharat Pandharinath Shinde who is Petitioner No.13 in Writ Petition (st) No.92942/2020.

3. Briefly stated the facts are that the University Grants Commission (for short, 'UGC') by the impugned regulation converted the post of Principal into a tenure post. This regulation

was challenged by some aggrieved Principals before Nagpur Bench of this Court. The Nagpur Bench struck down the resolution. The Nagpur Bench effectively held that Principals could continue till the age of superannuation.

4. The UGC challenged the order passed by the Nagpur Bench before the Hon'ble Supreme Court. The Supreme Court initially had not stayed the operation of the order dated 27th April 2020 passed by this Court which had allowed the challenge to clause 5.1.6.(d) of the UGC regulation.

5. Our attention is invited to the order dated 29th September 2020 passed by this Court in this petition which reads thus:

“1. The Writ Petition is treated as on the day's board upon Mr. Desai, learned Senior Advocate for the petitioners having mentioned the same in view of the urgency involved and the writ petition not having been listed today despite an earlier direction of the Bench in this regard.

2. Clause 5.1.6.(d) of the relevant University Grants Commission Regulations has been struck down as unconstitutional by a coordinate Bench of this Court at Nagpur by its judgment and order dated April 27, 2020 passed in Writ Petition No. 1215 of 2017. The same has been carried in appeal before the Supreme Court; however, the Special Leave Petition is yet to be admitted.

3. In this Writ Petition filed on September 15, 2020, a similar challenge to the vires of Clause 5.1.6(d) (supra)

has been laid. The judgment by which Clause 5.1.6(a) has been declared unconstitutional by the coordinate Bench, is a judgment in *rem* and all teachers including the petitioners would be entitled to the benefit thereof; as such, there was no real reason for the petitioners to independently challenge the vires of the said clause.

4. Be that as it may, since operation of the order dated April 27, 2020 has not been stayed by the Supreme Court and as the same governs the field for the present, this Bench is inclined to grant interim relief to the petitioner no. 3, who having served as Principal of the relevant college for a period of 5 years, is due to be relieved of the charge of such office on September 30, 2020. For the present, the petitioner no. 3 shall be allowed to continue in service as Principal till December 31, 2020, strictly without prejudice to the rights and contentions of the parties to this Writ Petition.

5. Since the petitioner no. 13 is also due to be relieved of the charge of the office of Principal of another college on November 16, 2020, he shall also be entitled to similar protection as granted to the petitioner no.3 till January 15, 2021 but on the same terms and conditions as mentioned above.

6. It is made clear that in the event the judgment and order dated April 27, 2020 is reversed by the Supreme Court prior to the next date of hearing, consequences shall follow.

7. Put up this Writ Petition once again on December 3, 2020 for further consideration. The parties may, in the

meanwhile, complete their pleadings.

8. This order will be digitally signed by the Private Secretary of this court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.”

6. During the pendency of the petition, the Applicant continued as Principal. The Applicant was even appointed for the second tenure. It is now the contention of learned counsel for the Applicant that the second tenure as a Principal is coming to an end and, therefore, the Applicant should be permitted to continue till the age of superannuation i.e. 30th June 2029.

7. Learned counsel for the UGC submitted that though the order dated 15th September 2020 which is referred in Writ Petition (st) No.92942/20 was not initially stayed, but later by an order dated 16th November 2020 the impugned order passed by the High Court was stayed by the Hon’ble Supreme Court. The order was continued from time to time.

8. Thereafter, on 29th January 2025, the Hon’ble Supreme Court in University Grants Commission v/s. Suresh and others passed the following order which reads thus:

“1. Before the High Court, it was contended on behalf of the UGC that Clause 5.1.6 (d) of the UGC (Minimum Qualification for Appointment of Teachers and Other

Academic Staff in Universities and Colleges and Other Measures for the Maintenance of Standards in Higher Education Regulations, 2010 was introduced on the basis of the Thyagrajan Committee report. The impugned order does record that despite opportunity granted to the UGC to produce such report before the High Court, the same was not produced. Such report is not even part of these special leave petitions.

2. We grant the UGC an opportunity to file an affidavit to bring the Thyagrajan Committee report on record. UGC in such affidavit shall also clarify how the mechanism of the incumbent Principal being reverted to the position of Professor would be worked out in light of sub clause (ii) of clause (V) of the UGC (Minimum qualification for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in High Education) Regulation, 2018.

3. Let such affidavit be filed by four weeks from today.

4. Relist the special leave petitions on 4th March 2025.

5. If any of the respondents is in service as Principal, such service shall not be disturbed without obtaining leave of this Court.”

(emphasis supplied)

8. Thus, the Hon’ble Supreme Court has clearly observed that if

any of the Respondents is in service as Principal, the service shall not be disturbed without obtaining leave of the Court.

9. Though, learned counsel for the UGC submitted that initially there was stay granted by the Hon'ble Supreme Court to the impugned order passed by Nagpur Bench of this Court, we are of the view that as the Hon'ble Supreme Court has protected the services of the Respondents in the matter pending before the Supreme Court in *University Grants Commission v/s. Suresh Kumar and others*, even the Applicant is presently working as 'Principal' can be granted similar protection. This is subject to any further orders passed by the Hon'ble Supreme Court in *University Grants Commission v/s. Suresh Kumar and others*. Liberty to apply in that case.

10. Accordingly, the application is allowed. The Applicant to continue in service as Principal till the date of superannuation or till further orders of the Hon'ble Supreme Court in *University Grants Commission v/s. Suresh Kumar and others* whichever is earlier.

11. The Interim Application is disposed of.

(S.M.MODAK,J.)

(M.S.KARNIK, J.)