

## A G E N D A

of the General Body Meeting of  
NAGPUR UNIVERSITY TEACHERS' ASSOCIATION  
to be held at 12.00 noon on  
SUNDAY, the 26th May, 2002  
BABASAHEB DAHANUKAR SABHAGRUHA  
PHULSING NAIK MAHAVIDYALAYA,  
PUSAD.

Agenda of the General Body Meeting of Nagpur University Teachers' Association to be held at 12.00 noon on Sunday, the 26th May, 2002 at Babasaheb Dahanukar Sabhagruha - Phulsing Naik Mahavidyalaya, Pusad. is as follows :-

### ITEM NO. 305 :

#### CONFIRMATION OF MINUTES :

TO CONFIRM the minutes of the General Body meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the 11th November, 2001 at S.P.M. Science & Gilani Arts & Commerce College, Ghatanji.

*Note :- 1) Copy of the minutes was circulated on pages 1 to 8 of 2002 NUTA Bulletin. 2) Corrections, if any, were invited in the copy of the Minutes of the General Body Meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the 11th November, 2001 at S.P.M. Science & Gilani Arts & Commerce College, Ghatanji, vide No.CIM/11 Dated 1st January 2002 published on page 12 of 2002 Nuta Bulletin. No correction was received.*

### ITEM NO. 306 :

#### APPROVAL TO THE ANNUAL REPORT :

TO CONSIDER AND TO APPROVE the Annual Report regarding the working of the Association for the calendar year ending on 31st December, 2001.

*Notes : (i) As per Article VI (b) (iii) of the Constitution of NUTA, the Annual Report of the working of the Association is prepared by the Executive Committee (vide item No.4 of 2002) and is to be placed for the approval of the General Body. (ii) The Copy of the Annual Report is circulated in this NUTA Bulletin on page 19 & 20 (iii) Prof. E.H.Kathale, Secretary will present the Annual Report on behalf of the Executive Committee.*

### ITEM NO. 307 :

#### APPROVAL TO THE ANNUAL BUDGET :

TO APPROVE the Annual Budget of the Association for the Financial year commencing on 1st April, 2002.

*Notes : (i) Prof. S.A.Tiwari, Treasurer, NUTA, will present the Budget on behalf of the Executive Committee. (ii) The copy of the Budget is circulated on page No.18 of 2002 NUTA Bulletin.*

### ITEM NO.308 :

#### APPOINTMENT OF THE AUDITORS :

TO CONSIDER AND TO APPROVE the following resolution for the appointment of Auditors for the Financial year ending on 31st March, 2002 namely :-

"C.R.Sagdeo & Co. Chartered Accountant "Prabha Niwas" Nagpur be appointed as auditor for the Financial year ending on the 31st March 2002"

*Note : (i) As per Article VII of the Constitution of NUTA the "General Body shall appoint auditors annually in the Annual Meeting of the Association." (ii) The Executive Committee resolved to recommend the above resolution (Vide item No. 2 of 2002) which is now placed before the General Body for its approval. (iii) Prof. S.A.Tiwari, Treasurer, on behalf of the Executive Committee, will move the resolution.*

विषय क्रमांक ३०९

‘कर्मकांड’ व ‘वैदिक ज्योतिषशास्त्र’ :

कार्यकारी मंडळाच्यावतीने प्रा. अनिल ढगे हे पुढील प्रस्ताव मांडतील :-  
“विद्यापीठ अनुदान आयोगाने देशातील विद्यापीठांमध्ये ‘कर्मकांड’ व

### NAGPUR UNIVERSITY TEACHERS' ASSOCIATION

#### MEETING NOTICE : 2

Date : 15. 04. 2002

From

**Dr. E.H.Kathale,**

Secretary, NUTA,

N-162 Reshim Bagh, Nagpur-440 009.

To,

**All the members**

of the Nagpur University Teachers' Association

Dear members,

I have the honour to inform you that in exercise of the powers conferred on it by Article VIII of the Constitution of NUTA, the Executive Committee has decided to have the meeting of General Body at **12.00 Noon** on the date and at the place mentioned below.

2. Agenda of the General Body meeting is printed in this NUTA Bulletin. If you propose to suggest any amendments to any of the proposals/Resolutions included in the Agenda, you may send it to me within a period of one week from the date of the posting of this Bulletin. It will not be possible for the amendments received after the due date to be included in the additional agenda. Please send one copy of your amendment to Prof. B.T.Deshmukh, President NUTA, 3, Subodh Colony, Near Vidarbha Mahavidyalaya, Amravati-444 604.

3. Rules for proposing amendments to the proposals/resolutions are printed on page 97 of 1977 NUTA Bulletin. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,  
Sd/- **Dr. E.H.Kathale**  
Secretary, NUTA

### Date and Place of the meeting

12.00 Noon on Sunday, the  
26th May, 2002

**BABASAHEB DAHANUKAR SABHAGRUHA -  
PHULSING NAIK MAHAVIDYALAYA,  
PUSAD.**

‘वैदिक ज्योतिषशास्त्र’ हे विभाग सुरु करण्याचे ठरविले असून आयोगाने आपल्या दिनांक २३ फेब्रुवारी २००१ च्या पत्रानुसार विद्यापीठाकडून यासंबंधीचे प्रस्ताव मागविले आहेत. या अभ्यासक्रमांचे अनुक्रमे ‘पौरोहित्य’ व ‘ज्योतिर्विज्ञान’ असे नामकरण करण्यात आले असून या पत्रासोबतच अभ्यासक्रमासंबंधीच्या मार्गदर्शक सूचना आयोगाने पाठविल्या आहेत. या अभ्यासक्रमासाठी आयोगाने भरघोस अनुदानही देऊ केले आहे.

एखादा विषय विज्ञान किंवा शास्त्र म्हणून मान्य होण्यासाठी ज्या कसोट्या पूर्ण व्हाव्या लागतात त्या कसोट्या ‘कर्मकांड’ व ‘ज्योतिषशास्त्र’ हे दोन्ही विषय पूर्ण करित नसल्यामुळे त्यांचा विज्ञान म्हणून स्वीकार होऊ शकत नाही. फलज्योतिष्याला वैज्ञानिक आधार नाही हे वैज्ञानिकांनी स्पष्ट केले आहे. त्यामुळे त्याचा विद्यापीठीय शिक्षणात समावेश करणे म्हणजे दैववादी मानसिकतेचा पुरस्कार करून घटनेला अभिप्रेत असलेल्या वैज्ञानिक वृत्तीचा पराभव करणे होय. कर्मकांड ही बाब भारतीय समाजव्यवस्थेमध्ये स्त्रियांसह समाजातील मोठ्या वर्गाच्या शोषणाचे साधन म्हणून ओळखली जाते. त्यामुळे त्याचा अभ्यासक्रम तयार करून कर्मकांडाला विद्यापीठात प्रतिष्ठित करण्यामुळे मानवी मूल्यांच्या विकासाचे चक्र उलटे फिरविण्यासारखे आहे.

एकीकडे केंद्र शासनाने उच्च शिक्षणातील आपला सहभाग कमी करण्याचे संकेत दिले असून देशातील विद्यापीठे, शैक्षणिक विभाग, संशोधन प्रयोगशाळा व ग्रंथालये निधीची प्रचंड चणचण अनुभवत असतांना दुसरीकडे विज्ञानाच्या कसोटीला न उतरणाऱ्या व विषमतामूलक ‘कर्मकांड’ व ‘ज्योतिषशास्त्र’ या अभ्यासक्रमांना मात्र भरघोस अनुदान देऊ केले जात आहे. विद्यापीठ अनुदान आयोगाने आपल्या प्राधान्यक्रमात केलेला हा बदल आश्चर्यकारक व अवांछनीय होय. त्यामुळे ही सभा कर्मकांड व ज्योतिषशास्त्र हे अभ्यासक्रम विज्ञान म्हणून सादर करण्यास व त्यांचा विद्यापीठीय शिक्षणात समावेश करण्यास स्पष्ट विरोध नोंदवित आहे.”

**विषय क्रमांक ३१०**

प्रा. टी.एस. नरवाडे हे पुढील प्रस्ताव मांडतील :-

ठराव करण्यात येतो की, ‘प्राध्यापकांच्या क्षमापित झालेल्या खंडीत सेवा वेतनवाढ व पदोन्नतीसाठी गृहीत धराव्यात.”

**ITEM NO. 311 :**

Prof. P.K.Shende will move the following resolution :-

Resolved to request the Secretary, Ministry of Social Welfare, Govt. of Maharashtra, to withdraw the circular No. जा.क्र.शिक्षण/सकाम/सी.पी.एफ/७८-अनु/सा/२००१-०२/का-५ व dated 8.2.2002 issued by the Director of Social welfare, Maharashtra state, pune. The Circular says that since Government pays 100% Grants on salaries of teaching and non teaching staff of social Work Colleges, henceforth the Management's contribution to the contributory provident fund shall not be borne by the Government and it shall be made inadmissible for grants-in-aid purpose. The contention of this circular is completely in contravention with the Government Resolution No. NGC. 1279/157796-xxv, dated 3rd October, 1979. This G.R. which gives the elaborate list of the admissible items in Appendix-"A" at serial Number I. (iii) mentions in categorical terms that "Expenditure on Management's contribution to the contributory provident Fund of eligible members of the approved teaching Staff of the College, calculated at 8 1/3 percent of the admissible pay (excluding allowances in the approved scales of pay." What the Government Resolution gives, the Circular cannot take away.

**विषय क्रमांक ३१२**

प्रा. एन.यु.देशमुख हे पुढील प्रस्ताव मांडतील :-

“शासन पत्र क्रमांक शिक्षण/सकाम/तपासणी मोहीम/अहवाल २००१/का-५व/१०६०, दिनांक ८.११.२००१ नुसार सी व डी ग्रेडमध्ये असणाऱ्या समाजकार्य महाविद्यालय बंद करण्याच्या कारवाईबाबत अशा महाविद्यालयातील नियमित ७-८ वर्षे सेवा झालेल्या शिक्षकांच्या सेवा सुरक्षित करण्याच्या दृष्टीने ही कारवाई सुरु करित असतांना मान्यताप्राप्त शिक्षकांच्या सेवा दुसऱ्या नियमित महाविद्यालयात समायोजित करण्यात याव्यात, अशी विनंती विद्यापीठाला करण्यात येत आहे.”

**BUDGET FOR THE FINANCIAL YEAR - 2002-2003**

OFFICIAL ACCOUNTING YEAR OF THE TRUST : 2002-2003 (AS PER SCHEDULE VII-A OF THE B.P.T.A. 1950)

**Name of the Trust : NAGPUR UNIVERSITY TEACHERS' ASSOCIATION.**

Regn. of the Trust : B.P.T.A. Regn. No. F-1594 & Soc. Regn. Act. Regn. No. MAH-15-73(NGP)

ESTIMATED RECEIPTS	RS.	P.	ESTIMATED DISBURSEMENTS	Rs.	P.
<b>I. OPENING BALANCE :</b>			<b>A) NON-RECURRING :</b>		
i) Cash in hand ... ..	...	..	i) Major Repairs or rebuilding of the assets etc. ... ..	...	...
ii) Cash in Bank ... ..	15,000	00	ii) Net purchase of immovable property ... ..	...	..
<b>II. ESTIMATED RECEIPTS :</b>			<b>B) RECURRING :</b>		
<b>(A) NON RECURRING</b>			i) Rents, rates taxes etc. ...	4,000.00	
i) Ordinary Donations to be received for specific earmarked objects (permanent subscription to NUTA Bulletin) ... ..	...	..	ii) Administrative Expenses ... ..	...	..
ii) Ordinary Donations... ..	...	..	a) Stationery, Typing, Cyclostyling & Printing . ...	2,00,000.00	
<b>(B) RECURRING :</b>			b) Travelling Expenses . ...	50,000.00	
i) Rent etc. on immovable property ... ..	...	..	c) Postage and Telephone. ...	10,000.00	
ii) Interest on Fixed Deposits ... ..	50,000	00	d) Misc. expenses ...	4,000.00	
iii) Dividend shares etc... ..	2,00,000	00	e) Bank commission ...	400.00	
iv) Income from Agri. land ... ..	...	..	f) Legal Expenses ...	1,000.00	
v) Other revenue Receipt ... ..	...	..	g) Audit fees ...	1,500.00	
vi) Legal Aid Fund ... ..	...	..	h) Affiliation fees ...	...	..
<b>III. REALISATION FROM DISPOSAL OF ASSETS :</b>			i) MFUCTO ...	4,000.00	
...	...	..	ii) AIFUCTO ...	1,600.00	
<b>IV EXCESS OF EXPENDITURE OVER INCOME :</b>			iii) Contribution to public trust\ admn. Fund ...	...	..
...	29,900	00	vi) Books Library ...	8,000.00	
			iii) Payment of Salaries ...	2,400.00	
			iv) Transfer of Depreciation Fund ...	...	..
			v) Special & Current repairs of building Furniture etc ...	8,000.00	
			vi) Excess of income over expenditure ...	...	..
<b>TOTAL Rs.</b>	<b>2,94,900</b>	<b>00</b>	<b>TOTAL Rs.</b>	<b>2,94,900.00</b>	

**NOTE :** Estimated enrolment of members during the year is expected to be 10. On this account the association will receive an estimated amount of Rs. 40,010/- However this amount cannot be included in the estimated receipts because this amount is to be invested in fixed deposit receipts or any other Govt. Securities as per Article III of the Constitution . - Sd. **S. A. Tiwari**, Treasurer.NUTA

## SECRETARY'S REPORT ON THE WORKING OF THE ASSOCIATION FOR THE YEAR ENDING ON 31st DECEMBER, 2001.

*Prepared by the Executive Committee of NUTA under article (VI) (b) (ii) of the Constitution of NUTA and presented by Secretary on behalf of the NUTA Executive.*

Dear friends,

(1) It gives me great pleasure to accord you all a cordial welcome on behalf of the Executive Committee of NUTA and my own behalf. It is indeed a proud privilege for me to place before this august body a brief account of our activities and achievements during the year 2001.

(2) Right from its inception, NUTA has been committed to the cause of the welfare of the teachers' community. In keeping with this commitment, the organisation took up several issues concerning teachers during the period of this report.

(3) During the current year, the organisation achieved success in getting a few of our demands fulfilled by the Government. The President of the organisation, Prof. B.T. Deshmukh followed up the issues in the legislative council with his usual perseverance and got the relevant orders issued by the Government. They include G.R. dated 29th March 2001 on revision of pay scales of teachers in Social Work Colleges on the basis of the recommendations of University Grants Commission.

#### **(4) PARTICIPATION IN ACTION PROGRAMME**

(a) The members of NUTA participated in the various action programmes in response to the call given by AIFUCTO and MFUCTO from time to time to press for the solution of pending problems of the teaching community. MFUCTO had given a call of Long March on 15th March 2001 at Mumbai for NET/SET affected teachers to highlight the gravity of the problems and to urge the Government of Maharashtra to immediately resolve the problem. You are also aware that AIFUCTO had conducted the following two action programmes at New Delhi to highlight our pending demands at the Central Government level. March to parliament on 27th February, 2001 and a week-long Dharna in front of UGC from 05.08.2001 to 10.08.2001 were organized by AIFUCTO. For teachers from Maharashtra 9th August was the date to participate in a week-long Dharna. I am pained to inform this house that the response from Nagpur and Amravati University area was not all that encouraging. I appeal to all of you to make it a point to participate in such programmes in large number to strengthen teachers' unity as and when a call for such action is given by the organisation at Central or State level.

b) You are all aware that the joint Convention to State and Central Government employees had decided to organise a countrywide strike action on 25th July, to protest against policy decisions taken by the Central Government vitally affecting all employees in general. NUTA Executive at its meeting held on 8th July had given a call to organize Dharna Programme at Nagpur and Amravati on 25th July, 2001 between 4 pm and 6pm to support the Nation wide strike of 25th July.

I am happy to report this august body that both the Dharnas at Nagpur and Amravati were largely attended by our teachers.

#### **(5) 25 YEARS' SERVICE OF NUTA BULLETIN :**

Eventhough NUTA Bulletin was started in the cyclostyled form in the year 1976, the first printed issue of NUTA Bulletin was published in the year 1977. It is a matter of great pleasure that General Body of NUTA in its meeting held on 19th Sept. 1999 by adopting a detailed resolution at Item No.262 resolved to celebrate a Silver Jubilee year of

NUTA Bulletin. According to this resolution number of special issues of NUTA Bulletin were to be published

General Body also anticipated the financial component involved in the publication of such magnitude. General Body resolved to request every teacher to contribute Rs. 1000 towards this project. Though the response to this appeal, initially, was not very encouraging, after the minimum required response, E.C. decided to launch the project.

I am happy to inform you that Six Special issues of NUTA Bulletin were successfully Brought out. I take this opportunity to request all the teachers to contribute Rs. 1000 toward this project, if they have not contributed sofar.

#### **(6) GENERAL COUNCIL MEETING OF MFUCTO**

During this year an important event for NUTA was to host the General Council and Executive Meeting of MFUCTO on the 26th August at Shikshak Bhavan Amravati. I am pleased to inform this house that some of the very important issues were discussed and highlighted at both the meetings. e.g. problem of NET\SET affected teachers, opposing privatization of higher education.

#### **(7) PROBLEM OF NET\SET AFFECTED TEACHERS :**

You are all aware that NET/SET affected teachers in the State had to undergo a very humiliating and embarrassing experience during the last decade due to apathetic attitude of the Government of Maharashtra towards their problem. You are also aware how the Government of Maharashtra was compelled to withdraw its irratational G.Rs. which sought to adversely affect their service conditions. We could achieve this on the organisational strength and also mainly due to the parliamentary skill of our President Prof. B.T. Deshmukh. Though the Government of Maharashtra finally issued G.R. dated 18th October, 2001 regularising services of non - NET/SET teachers who were appointed after 19th September, 1991 on certain conditions, NUTA and MFUCTO have opposed this G.R. also on the ground that the adverse conditions incorporated in this G.R. are against the agreement made by the Government of Maharashtra with MFUCTO. However since the matter has been challenged in the Court of Law, we have to make all possible efforts to present our case on strong footing with all our logical arguments based on documents. NUTA Executive assures you that no stone shall be left unturned to see that the interests of all such teachers are properly safeguarded.

#### **(8) TASKS AHEAD :**

a) Though the revised scales of pay have been implemented in Maharashtra, the process of release of arrears on account of revision of pay-scales has been rather very slow. In most of the colleges where the arrears have been released, only 80% of the amount has been paid. There are many more colleges where the teachers have not been paid 100% amount of their arrears on the flimsy ground that these colleges have submitted their claims subsequent to the stipulated date. The teachers in social work colleges have also received only the part payment of their arrears. To ensure full payment of arrears to all these teachers will be an important task ahead for us.

b) The discrimination caused by the Government regarding the date of implementation of fifth pay commission pay scales to the teachers of unaided engineering colleges has

# फलज्योतिष हे विज्ञान का नाही?

जयंत नारळीकर

(विद्यापीठ अनुदान आयोगाने (विअआने) 'वैदिक फलज्योतिष हा विभाग सुरु करण्यासंबंधीचे निवेदन' एका परिपत्रकातून केल्यानंतरच्या चर्चेची एक महत्त्वाची कडी म्हणून मराठी विज्ञान परिषदेने (मविपने) 'फलज्योतिष विज्ञान आहे का?' यावर एक विशेषांक काढला (नोव्हेंबर २००१) सात 'ज्योतिर्विदां'नी मते मांडल्यावर त्यांच्या युक्तिवादाचा वैज्ञानिक वृत्तीच्या समर्थकांकडून प्रतिवाद केला गेला. हा पूर्णच अंक वाचनीय आहे. पण त्यातील जयंत नारळीकरांच्या लेखातील 'फलज्योतिष हे विज्ञान का नाही?' हे प्रकरण कळीचे आहे. ते मविपच्या सौजन्याने पुनःमुद्रित करत आहोत.)

विअआने हा अभ्यासक्रम सुरु करायचे म्हटल्यावर भारतातील वैज्ञानिकांनी विरोधाची एक आघाडी उघडली आहे, ती फलज्योतिष वैदिक आहे की नाही या संबंधी नसून तिला विअआ विज्ञानाचे रंगरूप देऊ इच्छितो यासाठी आहे. फलज्योतिषाला शास्त्र अथवा विज्ञान म्हणू नये या विधानाच्या विरोधात फलज्योतिषाचे पाठीराखे काय म्हणतात ते पाहू.

(अ) वैज्ञानिक पाहणीतून ग्रहांची जी स्थिती मिळते तिचाच उपयोग फलज्योतिषात आणि खगोलशास्त्रात केलेला असतो. मग जर खगोलशास्त्र हे विज्ञान मानले जाते तर फलज्योतिष हे विज्ञान का मानले जात नाही?

(ब) अमुक फलज्योतिषाचे भाकीत आपल्या बाबतीत खरे ठरले असे काही लोक ठासून सांगतात. मग भाकिते जर अशी खरी ठरत असतील तर त्याला विज्ञान का म्हणू नये?

(क) हवामानशास्त्र आणि वैद्यकशास्त्राचेच पहा. हवामानाचे अंदाज कित्येक वेळा चुकतात, वैद्यकातील निदानेही खूप वेळा चुकतात, एवढेच नव्हे तर दोन

also not been done away with. It would be an important task for us to see that justice is done to them.

c) Ambani-Birla report has posed a serious challenge before the field of higher education. It will have to be fought tooth and nail in the years to come. The issue pertaining to the Librarians and the Directors of physical education will have also to be addressed.

## (9) MEMBERSHIP OF NUTA:

The NUTA membership has reached upto 4682 at the end of year. This year the increase in membership is 338.

(a) I am glad to inform you that NUTA bulletin has completed its 26th year of its purposeful existence. This year we have circulated 112 pages of NUTA bulletin. If you go through the NUTA bulletin from first to the last page, you will find that NUTA Executive has tried to give up-to-date information to all its members about their problems and how the NUTA Executive particularly its President Prof. B.T.Deshmukh has focussed them at Maharashtra Govt. level through the Legislative Council.

(b) I am thankful to the press and their representatives both from Nagpur and Amravati areas, for wide coverage of the activities of the Association. This report shall not be complete unless I acknowledge the active cooperation and support of all the members of NUTA and also from non members i.e. University, College and Junior College Teachers in the activities of the Association and response given by them to the various calls given by NUTA from time to time.

Yours  
(Dr.E.H.Kathale)  
Secretary, Nuta.

डॉक्टरांच्या निदानांतही फरक पडतो. असे असूनही या दोन शास्त्रांना तुम्ही विज्ञान म्हणता आणि फलज्योतिषाला मात्र दुय्यम वागणूक देता.

(ड) काही ज्योतिष्यांची भाकिते चुकतात कारण त्यांनी फलज्योतिषाचा चांगला अभ्यास केलेला नसतो. ज्योतिषात असे कुडमुडे लोक आहेत हे दुर्दैवी आहे. पण फलज्योतिष हा विषय पूर्णपणे वैज्ञानिक आहे.

(ड) वैज्ञानिक फार वेजबाबदार आहेत. त्यांनी फलज्योतिषाचा पूर्ण अभ्यास करण्यापूर्वी आणि कसोटी घेण्यापूर्वीच त्याला नाकारले आहे.

वरील आरोपांना उत्तरे देण्यापूर्वी एखाद्या विषयाला विज्ञानाचा दर्जा देण्यासाठी कोणकोणत्या बाबींची पूर्तता करावी लागते हे पाहू या. उपपत्ती मांडणे (उ) प्रयोग करणे (प्र), त्यासाठी निरीक्षण करणे (नि) या पद्धतीतून अनेक शतके विज्ञान उत्क्रांत होत आले आहे. ही संपूर्ण प्रकिया चक्राकार आहे. एखाद्या गोलगोल जिऱ्यासारखी. तिला शेवटच नाही उ-प्र-नि-उ-प्र-नि या क्रमाने निसर्ग अधिक चांगला समजून घेणे आणि त्या दृष्टीने प्रगती करत जाणे हे विज्ञानाचे ध्येय होय. परंतु व्यवहारात या गोष्टी वाटतात तितक्या सरळ नसतात. वाटेत खूप अडथळे आणि वळणावळणाच्या वाटा असतात. विज्ञानाच्या इतिहासात खूप वाईट गोष्टीही आहेत. लबाड उपपत्ती, एखाद्याला फसवणारे प्रयोग, चुकीची निरीक्षणे वगैरे. परंतु तरीही अमुक गोष्टी चुकीच्या आहेत हे सिद्ध झाल्यावर वैज्ञानिक तसे मान्य करतात. सर्व समस्यांची उत्तरे विज्ञानातून मिळतील हेही ते कधी म्हणणार नाहीत. प्रगतीची शिडी आपण जसजशी चढत जातो तसतशा वाटेत नवनवीन समस्या येतच जातात हे त्यांना अनुभवातून ठाऊक झाले आहे. किंबहुना प्रगतीच्या वाटेत अडथळे निर्माण करणाऱ्या गोष्टी या समस्या आहेत, हेही अगोदर ओळखता येतेच असे नाही. त्यासाठी फार मोठी आकलनशक्ती लागते. मग ज्याला आपण विज्ञान म्हणतो त्याचे बल कशात आहे? विज्ञानाचे बल त्याने घालून दिलेल्या शिस्तीच्या चौकटीतच आहे, कसे ते पहा.

एखाद्या वैज्ञानिक उपपत्तीने आपण कोणती गृहीतके मानली आहेत हे स्पष्टपणे सांगितले पाहिजे. आणि ती गृहीतके आजच्या माहितीशी सुसंगत असली पाहिजेत. गृहितकांवर आधारित विधानांची एक अशी तार्किक चौकट उभारता आली पाहिजे की, त्यामुळे कोणालाही भाकिताची नीट तपासणी करता आली पाहिजे. उपपत्तीने मोघमपणा दाखवू नये आणि निष्कर्ष काढतांना मुलतत्त्वात बदल करू नये. थोडक्यात म्हणजे गृहीतकातही अनोखेपणा असतो. जे काही निष्कर्ष काढायचे त्यांचीही तपासणी करता येते आणि त्या तपासणीसाठीही परत प्रयोग करणे, निरीक्षण त्यांचीही तपासणी करता येते आणि त्या तपासणीसाठीही परत प्रयोग करणे निरीक्षण करणे हे सर्व आलेच. यात एक स्वयंरचित उद्देश आहे. 'अ' या शास्त्रज्ञाने प्रयोग करून त्यालाच फक्त त्याचे अपेक्षित निष्कर्ष मिळतील आणि 'ब' व 'क' शास्त्रज्ञांना ते मिळणार नाहीत असे काही नाही. प्रयोग आणि निरीक्षण अशा नियंत्रित पद्धतीने वेतावेत की त्याचे निष्कर्ष संख्याशास्त्राच्या आधारे विश्लेषित करून सांगता येतील. इतक्या प्रकारची खबरदारी घेऊनही कोणतीही उपपत्ती अचूक आहे असा दावा करता येत नाही. न्यूटनचा गुरुत्वाकर्षणाचा नियम आईनस्टाईनने त्यांच्या सापेक्षतावादाच्या सिद्धान्तात सुधारला पण त्यासाठी त्यांनी डोरमेहनत घेतली. खूप प्रयोग केल्यानंतरच त्यांना हा दावा करता आला. हे असे असले तरीही सापेक्षतावादाचा सिद्धान्त हा गुरुत्वाकर्षणाबाबतचा अंतिम शब्द आहे असे शास्त्रीय जगात कोणीही मानत नाही. सापेक्षतावादाचा सिद्धान्त सुधारणाऱ्यांना आता पुंज गुरुत्वाकर्षणाकडे

दुर्लक्ष करून चालणार नाही.

आता फलज्योतिषाचा याच मुद्यांसंदर्भात विचार करू या.

(अ) खगोलशास्त्र वर वर्णन केलेली विज्ञानाची कडक शिस्त तंतोतंत आचरणात आणते. फलज्योतिषात असे होते का? फलज्योतिषासाठी अशा काही मूलभूत गोष्टी गृहीत धरतात का? मिळालेली माहिती पारखून पाहण्यासाठी काही नियम घातलेत का? नियम घातले म्हणजे त्यात वस्तुनिष्ठपणा येतो आणि विवक्षित ज्योतिषावर ते अवलंबून राहत नाही. जी भाकिते चुकली ती उपपत्तीच्या सिद्धतेतील चुकीने, हे मान्य झाले का?

दुर्दैवाने या सर्व प्रश्नांची उत्तरे नकारार्थी मिळतात. फलज्योतिषाचे सर्व पाठीराखे आमची उपपत्ती, आमचे शास्त्र अचूक आहे असाच घोशा लावतात आणि जर भाकीत चुकले तर त्याचा अन्वयार्थ चुकीचा लावल्यामुळे, असे म्हणतात, शिवाय प्रत्येक ज्योतिषाचा अन्वयार्थ वेगवेगळा. मग विद्यापीठात एखादा अभ्यासक्रम शिकवण्यासाठी पाठ्यपुस्तके कशी बनवणार? किंवा सर्वांना एकच दृष्टिकोणही नसल्याने शिक्षक तरी कसे मिळणार?

(ब) फलज्योतिष्यांनी कार्ल पॉपरचे नाव ऐकलंय का? समजा त्यांनी ते ऐकले असले तरी वैज्ञानिक उपपत्तीवरचे त्यांचे म्हणणे ते दुर्लक्षून टाकतात. पॉपरचे म्हणणे असे आहे की, एखादी वैज्ञानिक उपपत्ती, एखाद्या भाकिताबाबत जरी चुकीची ठरली तरी ती त्याज्य ठरते. तिचा परत विचारसुद्धा करू नये. खरी ठरलेली भाकिते जरूर हवी आहेत पण एखादी उपपत्ती सिद्ध करायला तेवढीच पुरेशी नाहीत. तुम्ही एखाद्याला विचारले की क्ष या ज्योतिषाने सांगितलेल्या भाकितातील किती भाकिते आजवर चुकली तर त्याचे उत्तरही त्यांच्याकडे नसते, कारण ही माणसे अशा गोष्टींच्या नोंदी ठेवत नाहीत.

(क) हवामानाचे अंदाज आणि वैद्यक शास्त्रातील निदाने नेहमी अचूक ठरत नाहीत हे मान्य परंतु ते विज्ञानप्रणालीचा अवलंब करतात.

हवामानाचा अंदाज करताना वातावरणाच्या विविध अवस्था आणि जमिनीवरील हवेची निरनिराळी स्थित्यंतरे यांच्यावर आधारित गुंतागुतीचे गणित केले जाते. या शास्त्रातील कोडे आपल्याला आता हळूहळू उलगडू लागले आहे. मनुष्यनिर्मित उपग्रहही यासाठी मदत करीत आहे. हवामानशास्त्राला शास्त्र न म्हणणारे त्याचे विरोधकही आता या शास्त्राला मिळालेल्या आधुनिकतेच्या जोडीमुळे आणि निरीक्षणामुळे त्यातील अंदाज खऱ्याच्या अधिक जवळ येऊ लागल्याचे मानू लागले आहेत. वैद्यकशास्त्रही आपल्याला परिपूर्ण मानत नाही. परंतु जीवशास्त्र आणि जिवंतत्रज्ञानातील प्रगतीमुळे मानवी शरीराची ओळख आपल्याला अधिक प्रमाणात होऊ लागली आहे. निदान आणि त्या आधारे केलेले उपाय यात सुधारणा झाली आहे. जेव्हा जेव्हा एखादे नवे औषध बाजारात येते तत्पूर्वी खूप वर्षे त्याची तपासणी तज्ञांच्या नजरेखाली झालेली असते. विज्ञानाचा आणि तंत्रज्ञानाचा उपयोग करून फलज्योतिषाने अशासारखी काही प्रगती केली आहे का?

(ड) या मुद्याचा विचार आपण अगोदरच केला आहे. दरवेळी फलज्योतिष्याने आपली भाकिते सुधारत नेली असतील तर त्याला शास्त्र म्हणायला मुळीच विरोध नाही. परंतु चुकीचे भाकीत सांगणारा हा कुडमुडा ज्योतिषी आहे असे म्हणून चालणारही नाही आणि सुटकाही होणार नाही. कारण मग कुडमुडाशिवाय या व्यवसायात आणखी कोणी आहे असे दिसणारही नाही. ज्योतिषी जसा इतरांना सल्ला देतात तसे आपल्या विषयाच्या प्रगतीसाठी प्रत्यक्ष काही करून पाहायची वेळ या व्यवसायावर अजून आली नाही का?

(इ) शास्त्रज्ञांनी ज्योतिष्यांची भाकिते खूप बारकाईने तपासून पाहिली आहेत आणि जो जो बारकाईने तपासणी करावी तो तो अधिक चुका सापडत आहेत. शास्त्रज्ञांनी हे सर्व समप्रमाण लिहून प्रसिद्धही केले. म्हणून शास्त्रज्ञ

ज्योतिष्यांच्या कामाचा अभ्यास न करताच त्यांच्यावर बेजबाबदारपणे टिका करत आहेत हे म्हणणे चुकीचे आहे. मिशिगन स्टेट विद्यापीठातील मनोविकारतज्ञ बर्नी सिल्व्हरमन यांनी केलेला अभ्यास आपण उदाहरणादाखल पाहू. जोडप्यांच्या कुंडल्या जुळल्या तर त्यांची लग्ने यशस्वी होतात का यावर त्यांनी अभ्यास केला. २९७८ जोडप्यांचे संसार यशस्वी झाले आणि ४७८ लोकांनी घटस्फोट घेतले. या सर्वांच्या कुंडल्या दोन प्रसिद्ध ज्योतिष्यांना दिल्या होत्या. (पण त्या कोणाच्या आहेत हे त्यांना सांगितले नव्हते) त्या ज्योतिष्यांनी कुंडल्या पाहून अमुक लग्ने यशस्वी ठरावीत तर अमुक अयशस्वी असे निदान केले. त्यांची भाकिते प्रत्यक्ष परिस्थितीवरहुकूम नव्हती असे दिसून आले. संख्याशास्त्राच्या पद्धतीने पडताळून पाहिल्यावर हे सर्व निष्कर्ष काढले होते.

१९७५ साली १८६ नामवंत शास्त्रज्ञांनी फलज्योतिषाविरुद्ध एक पत्रक प्रसिद्ध केले. त्यात १८ नोबेल पारितोषिक विजेते होते. त्यांनी फलज्योतिष अवैज्ञानिक असल्याचे म्हटले आहे. त्यांच्या प्रसिद्धीपत्रकातील महत्त्वाचा भाग खालील प्रमाणे आहे. “आम्ही या पत्रकावर सद्दा केलेले खगोलशास्त्रज्ञ खगोलभौतिकी शास्त्रज्ञ आणि इतर अनेक क्षेत्रातील शास्त्रज्ञ, फलज्योतिष्यांनी खाजगी वा जाहीररीत्या व्यक्त केलेल्या भाकितांबद्दल जनतेला सावध करू इच्छितो. फलज्योतिषावर विश्वास ठेवणाऱ्यांना आम्ही सांगू इच्छितो की, फलज्योतिष्यांच्या भाकितांना कोणताही वैज्ञानिक आधार नाही. आपल्या आयुष्यातील महत्त्वाचे निर्णय घेण्यासाठी बऱ्याच जणांना फलज्योतिष्यांच्या सल्ल्याची गरज भासते. त्यांच्या नियंत्रणात नसलेल्या आकाशस्थ ग्रहांच्या बलामुळे आपले प्राक्तन पूर्वनिर्णय असते, असा त्यांचा विश्वास असतो. आम्ही शास्त्रज्ञ आपणा सर्वांना सांगू इच्छितो की, जिवनात घडणाऱ्या गोष्टींना स्वतःच तोंड द्यायला आपण सर्वांनी शिकले पाहिजे. आपले भवितव्य आपल्याच हातात असते ते कोणा ग्रहताऱ्यांच्या हातात नसते.” ( द ह्युमॅनिस्ट, सप्टेंबर/ऑक्टोबर १९७५) -“आजचा सुधारक” च्या सौज्य्याने

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## विकणे आहे

### Epson LQ 100- 24 pin Dot Matrix Printer

१) संघटनेच्या कार्यालयात १९९४ मध्ये (१७,७५० रुपये किमतीला) बसविण्यात आलेला व उत्तमरितीने आजही कार्यरत असलेला Epson LQ 100-24 pin Dot Matrix Printer विकणे आहे.

२) संघटनेच्या कार्यालयात नुकतीच अद्यावत व अधिक कार्यक्षम मुद्रण व्यवस्था बसविण्यात आल्यामुळे, जुना उत्तम चालू स्थितीतील Dot Matrix Printer, 24 pins, 80 column विकण्याचा निर्णय घेण्यात आला आहे.

३) ज्यांना कोणाला हा प्रिंटर विकत घ्यायचा असेल त्यांनी किमान ३ हजार रुपयाचा Bank Draft - Treasurer NUTA या नावाने काढून रविवार, दिनांक २८ एप्रिल २००२ रोजी सकाळी ११.३० वाजता नुटा बुलेटीनच्या कार्यालयात (नुटा बुलेटीन कार्यालय, फुंडकर भवन, जैन बोर्डिंगच्या मागे, मालटेकडी रोड, अमरावती) उपस्थित रहावे.

४) ११.३० ते १२ वाजेपावेतो सदरहू प्रिंटर उत्तर रितीने कार्यरत आहे याचे प्रात्यक्षिक दाखविण्यात येईल व त्यानंतर जास्त किमतीला खरेदी करण्याची इच्छा असलेल्या व्यक्तीला तो दिला जाईल.

५) ३ हजार रुपयापेक्षा जास्त किमतीचा भरणा पुढील तीन दिवसात करावा लागेल व त्यानंतर प्रिंटर सुपूर्त करण्यात येईल.

६) संघटनेच्या वतीने डॉ.डी.यु.पोच्छी, प्रा.एस.ए.तिवारी, प्रा. अनिल सोमवंशी व प्रा. सुशिल काळमेघ यांची समिती ठरलेल्या वेळी ही प्रक्रिया पार पाडील.

**Dr. E. H. Kathale,**  
Secretary, NUTA,

### RULES FOR PROPOSING AMENDMENTS ( Reproduced from page 97 of 1977 NUTA Bulletin )

1. Any proposal before the meeting may be amended (a) by leaving out a word or words or (b) by leaving out a word or words in order to add or insert a word or words or (c) by adding or inserting a word or words.

2. An amendment to be in order shall : (a) not constitute a direct negative to the original resolution : (b) be relevant to and within the scope of the resolution to which it is moved.

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

**APPELLATE SIDE, CIVIL JURISDICTION  
WRIT PETITION NO. : 5022 OF 2001**

1. Vishwaprakash S/o Laxman Sirsath, Aged : 45 Years Occu. : Service R/o 69, Builders Society Nandanwan Colony, Aurangabad, Tq. and Dist. Aurangabad.  
AND TEN OTHERS ...PETITIONERS

**VERSUS**

1. The State of Maharashtra Through its Secretary, Higher and Technical Education Department, Government of Maharashtra, Mantralaya. Mumbai - 32.

Copy to be served on the Government Pleader, High Court of Bombay, Bench at Aurangabad.  
AND SEVEN OTHERS .... RESPONDENTS.

Shri P.M. Shah, Senior Counsel with Shri A.B. Tele, Advocate for the Petitioners. Shri U.K. Patil, A.G.P. for Respondent Nos. 1 and 2. Shri Pradeep Deshmukh, Advocate for Respondent No.3. Respondent Nos. 5 to 8 served - Absent

**CORAM: B.H. MARLAPALLE & N.H. PATIL, JJ.**

**DATED: 15th/18th/20th FEBRUARY, 2002.**

**ORAL ORDER:**

1. We have heard the learned counsel for the Petitioners as well as in the connected group of petitions, which have raised a common challenge to the Resolution of the Government of Maharashtra, issued on 18th October, 2001 and more particularly Clause 2(E) of the said resolution. The said clause reads as under:

“१) शासन निर्णय उच्च व तंत्र शिक्षण आणि सेवा योजन विभाग क्रमांक एनजीसी १७९४/७९७५/ विशि-४ दिनांक २२.१२.१९९५ रोजी जे आदेश काढले आहेत ते रद्द करण्यात येत आहेत.

२) खालील अर्तीवर दिनांक १९.९.१९९१ ते ११.१२.१९९९ या कालावधीत अनुदानित, विना अनुदानित महाविद्यालयातून व संस्था यामधून त्या वेळेच्या निवड समिती मार्फत नियुक्त झालेल्या अधिव्याख्यात्यांच्या सेवा खंडीत होणार नाहीत.

अ) या कालावधीतील नियुक्त्या झालेल्या सर्व (विगर नेट/ सेट) अधिव्याख्यात्यांनी डिसेंबर २००३ पर्यंत नेट/ सेट परीक्षा उत्तीर्ण होणे आवश्यक आहे.

ब) वर नमूद केलेल्या मुदतीत नेट/ सेट परीक्षा उत्तीर्ण न होणाऱ्या अधिव्याख्यात्यांना त्यांच्या सेवानिवृत्तीपर्यंत अधिव्याख्याता पदाच्या वेतनवाढी व्यतिरिक्त इतर कोणतेही आर्थिक लाभ (जसे पदोन्नती, वरिष्ठ श्रेणी, निवड श्रेणी) देण्यात येऊ नयेत. सेवा-निवृत्त होईपर्यंत ते रु. ८०००-१३५०० या वेतन श्रेणीतच वेतन घेतील.

क) हे विगर नेट/ सेट अधिव्याख्याता ज्या तारखेला नेट/ सेट परीक्षा पास करतील त्या तारखेपासून त्यांची सेवा वरिष्ठ श्रेणी / निवड श्रेणीच्या लाभासाठी ग्राह्य धरली जाईल तसेच, जे अधिव्याख्याते नेट/ सेट परीक्षा उत्तीर्ण होतील त्यांचे नाव ज्येष्ठता सूचीत नियमानुसार समाविष्ट केले जाईल.

ड) शासकीय महाविद्यालयातील अधिव्याख्यात्यांच्या सेवा महाराष्ट्र लोकसेवा आयोगाच्या सहमतीने पुढे चालू ठेवण्यात येतील.

ई) दिनांक ११.१२.१९९९ नंतर सेवेत आलेले विगर नेट/ सेट अधिव्याख्यात्यांना या सवलती देय असणार नाहीत. तसेच त्यांच्या सेवा

परिवेक्षा कालावधी पूर्ण होण्याच्या आत संपुष्टात आणाव्यात.

३) विद्यापीठ अनुदान आयोगाने दिनांक ४.४.२००० च्या अधिसूचनेद्वारे निर्गमित केलेले विनियम २००० मध्ये खालीलप्रमाणे शैक्षणिक अहर्ता / पात्रता अट अंतर्भूत केली आहे. शासन निर्णय दिनांक १३.६.२००० अन्वये हे विनियम सर्व विद्यापीठे व महाविद्यालयांना लागू केले आहेत. या आदेशाद्वारे सर्व विद्यापीठे व महाविद्यालयांना असेही सूचित करण्यात आले आहे की, यापुढे दिनांक ४.४.२००० नंतर राज्यातील महाविद्यालयात / विद्यापीठात अधिव्याख्याता पदावर विगर अहर्ताधारक उमेदवारांच्या नियुक्त्या कोणत्याही परिस्थितीत करू नयेत अशा नियुक्त्या केल्यास त्यावर मान्यता व अनुदान दिले जाणार नाही. तसेच ४.४.२००० पासून अशा नियुक्त्या दिल्या असल्यास त्या तात्काळ रद्द कराव्यात. हे आदेश सर्व महाविद्यालयांना बंधन कारक असून, त्याप्रमाणे कार्यवाही न झाल्यास त्याची जबाबदारी संबंधित महाविद्यालयाची / विद्यापीठाची राहिल.”

2. By the above Resolution, the State Government has laid down that the Lecturers, who were appointed between the period from 19th September, 1991 to 11th December, 1999, and without possessing the qualifications of NET/SET, would be protected and they are required to obtain the said qualifications by December, 2003 or before and in case they failed to acquire these requisite qualifications, within the said period, they would be entitled for the pay scale of Rs. 8000-13500 till their superannuation. In addition, they shall not be entitled for promotion, senior grade or selection grade. Those who passed the NET/SET examination, within the stipulated extended period, would be entitled for senior/selection grade from that date and their seniority will be also counted accordingly. Such of those Lecturers, who were employed under the Government Colleges, their continuation would be in consultation with the Maharashtra State Public Service Commission. However, it is stipulated in the said Government Resolution that those Lecturers who did not possess the NET/SET qualifications **and have been appointed after 11th December, 1999 shall not be given**

**the benefit of extended period to acquire the said qualifications and their services are required to be discontinued** before the completion of the probationary period. **The petitioners are aggrieved by this clause of termination of service while on probation.**

3. It is submitted that the said clause is discriminatory and, thus, violating the guarantee provided under Article 14 of the Constitution. The cut off date viz. 11th December, 1999 is unreasonably fixed and it has not nexus with the purpose sought to be achieved and, therefore, the decision of the cut off date is arbitrary. The principles of equality between similarly placed Lecturers viz. all those who have not acquired NET/SET qualifications has been breached. In any case, the Resolution dated 18th October, 2001 could be made operative prospectively after 18th October, 2001 and it cannot be made applicable to all the Lecturers who have been appointed prior to 18th October, 2001. By referring to the earlier Government Resolution dated 13th June, 2000 it has been submitted that while adopting the regulations framed by the University Grants Commission (the Commission, for short) vide notifications dated 4th April, 2000 the State Government did not lay down such a clause classifying the similarly placed Lecturers in different categories. In para 7 of the said Resolution it was stated that the rules framed by the Commission would be made applicable from 4th April, 2000 and, therefore, any appointment which was made prior to 4th of April, 2000 could not be disturbed on the ground of lack of qualification. In addition, the rules framed by the Commission vide notification dated 4th April, 2000, do not provide for any such clause of termination. **A Government Resolution could not be made applicable retrospectively and it could be applicable only prospectively** i.e. from 18th October, 2001 and not even prior to the said date, in view of the earlier Resolution dated 13th June, 2000 by which a **legitimate expectation** was created in the minds of those who were appointed even after 4th April, 2000 that their appointment may be regularised by following the procedure, as laid down by the Regulations framed by the Commission and, therefore, the impugned Resolution also violates the doctrine of legitimate expectations. All the petitioners have been selected by a duly constituted selection committee and against sanctioned permanent posts. All of them meet the basic qualifications and failure to acquire the additional qualifications cannot be a justifiable reason to remove them from service or to declare them as ineligible to hold the post they have appointed for. Some of the petitioners belong to the reserved categories and they have been appointed pursuant to the directives of the State Government to fill in the reserved category quota by way of special drive. It is urged before us that the Government was required to consider the cases of reserved category candidates on a different footing and more particularly in keeping with the spirit of article 371(2) (C) of the Constitution. Elaborating this point, it has been submitted before us that adequate facilities for acquiring the NET/SET qualifications are not available in the backward areas like the Marathwada region and the State Government ought to have considered this prevailing reality while issuing the impugned Resolution. The State is required to give special considerations to the prevailing inadequate facilities in the backward regions and, therefore, it would have been appropriate for the State Government to extend the period for acquiring the qualifications on par with those who have been appointed prior to 11th December, 1999. In support of these submissions, the learned counsel have relied upon the following decisions.

(i) “Union of India and others V/S Hindustan Development Corporation and others” [AIR 1994 SC 988]

(ii) “Osmania University V/s R. Madhavi and others” [AIR 1998 A.P. 130]

A strong reliance has been placed on a recent judgment of the Calcutta High Court in the case of “Amiyakumar Ghosh V/s State of West Bengal and others” [Writ Petition

No. 19293 (W) of 1999 with Writ Petition No. 12593 (W) of 2000]

**The Petitioners also contend that the regulations framed by the Commission are recommendatory in nature** and they do not have a statutory force. It was not necessary for the Government of Maharashtra to follow the said regulations as binding and, in any case, if a concession is given to one set of Lecturers, by extending the period for acquiring the additional qualifications, the State Government ought to have extended the same benefit to all those who have been appointed prior to October, 2001.

4. To examine the merit of these submissions, we have to consider the status of the Commission and the provisions of the University Grants Commission Act, 1956 (the UGC Act, for short).

5. The UGC Act came to be enacted under the provisions of entry 66 of list 1 of the 7th Schedule to the Constitution, which entitles the parliament to legislate in respect of “coordination and determination of standards in institutions of higher education or research or in scientific and technical institutions”. The preamble of the UGC act, which repeats the words of Entry No. 66, reads:

“An Act to make provisions for the coordination and determination of standards in Universities and for that purpose, to establish a University Grants Commission”.

The UGC Act has come into force from 5th February, 1956. Section 2 of the UGC Act deals with definitions and the Central Government has established the Commission under section 4 of the UGC Act. Section 12 is regarding the functions of the Commission and it says “It shall be the general duty of the Commission to take in consultation with the Universities or other bodies concerned, all such steps as it may think fit for the promotion and coordination of University Education and for the determination and maintenance of standards of Teaching, Examination and Research in Universities, and for the purpose of performing its functioning under This Act the Commission may ... ..

(D) **Recommend** to any university the measures necessary for the improvement of University Education and advice the University upon the action to be taken for the purpose of implementing such recommendations.”

6. Section 12A enables the Commission to regulate fees and it prohibits donations in certain cases. Subsection (1) of the said section deals with the definitions of certain terms and the term “REGULATIONS” means regulations made under the UGC Act. Subsection (4) provides that if, after making, in relation to a college providing for a specified course of study, an inquiry provided in the manner in the regulations and after giving such college a reasonable opportunity of being heard, the commission is satisfied that such college has contravened the provisions of subsection (3), The commission may, with the previous approval of the Central Government, pass an order prohibiting such college from presenting any students then undergoing such course of study therein to any university for the award of the qualification concerned. Subsection (7) states that the provisions of section 12A and the regulations for the purpose of the said section shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Section 12 B states that no grant shall be given by the Central Government, The Commission or any other organisation receiving any funds from the Central Government, to a University which is established after the commencement of the University Grants Commission (Amendment) Act, 1972 unless the Commission has, after satisfying itself as to such matters as may be prescribed, declare such University to be fit for receiving such grant. Section 13 empowers the commission the right of inspection. Section 14 deals with the consequences of failure of universities to comply with recommendations of the commission and it states that if any university grants

affiliation in respect of any course of study to any college referred to in subsection (5) of section 12A in contravention of the provisions of that section and fails within a reasonable time to comply with any recommendations made by the commission under section 12 or 13 or contravenes the provisions of any rule made under clause (f) or clause (g) of subsection (2) of section 25 or of any regulation under clause (e) or clause (f) or clause (g) of section 26, the commission after taking into consideration the cause, if any, shown by the university for such failure or contravention, may withdraw from the university the grants proposed to be made out of the fund of the commission. As per section 20 in the discharge of its functions under the UGC Act the commission shall be guided by such directions on questions of policy relating to national purpose as may be given to it by the Central Government. Section 26 deals with the powers to make regulations and clause (e) of subsection (i) there to deals with power to frame regulations defining the **qualifications that should ordinarily be required of any person to be appointed to the teaching staff** of the university and under clause (g) regulations can be framed

for the maintenance of standard of work or facilities in the universities. As per subsection (3) of section 26 the power to make regulations conferred by the said section except clause (i) and clause (j) of subsection (1), shall include the power to give retrospective effect from a date not earlier than the date commencement of the UGC Act, to the regulations or any of them but not retrospective effect shall be given to any regulation so as to prejudicially affect the interest of any person to whom such regulation may be applicable.

7. The Commission framed the University Grants Commission (Qualifications required of a person to be appointed to the teaching staff of University and Institutions affiliated to it) Regulations 1991 in exercise of the powers conferred by section 26(1) (e) read with section 14 of the UGC Act and they were notified on 19th September, 1991 in the Gazette of India. They apply to every University established or incorporated by or under the Central Act, Provincial Act or any State Act. These regulations were framed on the basis of the recommendations of a committee

## शिक्षण संचालनालय (उच्च शिक्षण) महाराष्ट्र राज्य, पुणे-१

क्र.आरएसपी-२०००/पाचवा आयोग/८२३/विशी-२

दिनांक १४ फेब्रुवारी, २००२

- १) कुलसचिव, सर्व विद्यापीठे
- २) सहसंचालक (उ.शि.) सर्व विभाग
- ३) वरिष्ठ लेखा परीक्षक (उ.शि.), सर्व विभाग

विषय :- पाचव्या वेतन आयोगानुसार करियर अँडव्हान्समेंट योजने अंतर्गत स्थाननिश्चिती करणेबाबत.

असे निदर्शनास आणून देण्यात आले आहे की, अद्याप काही विद्यापीठांकडून शासन निर्णय दिनांक ११.१२.१९९९ नुसार स्थाननिश्चितीच्या बैठका सुरू झालेल्या नाहीत. वास्तविक पाहता शासन निर्णय ११.१२.९९ मध्ये या बाबत सुस्पष्ट आदेश देण्यात आलेला असून यासाठीच्या समितीची रचना सदर शासन निर्णयातील परिशिष्ट VII मध्ये नमूद केल्याप्रमाणे राहिल. तसेच या व्यतिरिक्त शासन पत्र क्र. एनजीसी १२००/७३३९६/(१५/००)/विशि-४, दि. १७.४.२००० च्या पत्रानुसार सदर समितीवर शासन प्रतिनिधी म्हणून विभागीय सहसंचालक वा त्यांच्या प्रतिनिधी यांना निमंत्रित करावयाचे आहे.

या समितीच्या बैठका लवकर घेणे अपेक्षित आहे कारण यामध्ये अधिव्याख्यात्यांना मिळणारी पदोन्नतीची संधी कोणत्याही परिस्थितीत प्रलंबित रहाता कामा नये. म्हणून या समितीच्या बैठका वेळेवर होणे आवश्यक आहे. ज्या महाविद्यालयांमध्ये वरिष्ठश्रेणी व निवडश्रेणीची प्रकरणे ही अधिव्याख्यात्यांच्या सेवाकाळानुरूप तयार होतील (Mature) त्या महाविद्यालयाच्या व्यवस्थापन मंडळाची अथवा संबंधित प्राचार्य यांची संपूर्ण जबाबदारी राहिल की, त्यांनी या निवड मंडळाच्या बैठका बोलावावयाच्या आहेत व अधिव्याख्यात्यांना त्यांच्या पदोन्नतीचे लाभ हे वेळेवेळी घ्यावयाचे आहेत. यासाठी शासनाचा प्रतिनिधी उपस्थित असणे अत्यंत आवश्यक आहे. शासनाच्या प्रतिनिधी शिवाय केलेल्या स्थाननिश्चितीस शासनस्तरावरून मान्यता दिली जाणार नाही याची कृपया नोंद घ्यावी.

सदर बैठका या महाविद्यालय निहाय घ्यावयाच्या असल्यामुळे यामध्ये वेळ जाण्याची शक्यता आहे ही बाब विचारात घेऊन व या निवड प्रक्रियेत सुसूत्रता व समानता याची म्हणून या बैठका जिल्हा निहाय घेण्यासाठी विद्यापीठांनी आपल्या स्तरावर प्रयत्न केल्यास संबंधित विद्यापीठाचे काम महाविद्यालय अधिव्याख्यात्यांच्या दृष्टीने अत्यंत हिताचे ठरेल.

सर्व सहसंचालकांनी त्यांच्या स्तरावरून याबाबत महाविद्यालयांच्या प्राचार्याकरिता स्वतंत्र परिपत्रक काढावे व महाविद्यालयनिहाय/जिल्हानिहाय बैठका होतील या दृष्टीने पाठपुरावा करावा. याकामी विद्यापीठाने सर्व ते सहकार्य करावे. असे अपेक्षित आहे.

शासन निर्णय दि. ११.१२.१९९९ नुसार राज्यामध्ये महाविद्यालयीन शिक्षकांना पाचवा वेतन आयोग लागू करण्यात आला असून या शासन निर्णयामध्ये शिक्षकांना घ्यावयाची करियर अँडव्हान्समेंट योजनेअंतर्गत स्थाननिश्चिती व पदोन्नती कशी घ्यावयाची याबाबत सविस्तर मार्गदर्शन केलेले आहेच परंतु काही विभागाकडून याबाबत विचारणा होत आहे ते व अधिकचे स्पष्टीकरण मागविले जात आहे. ही योजना राबवितांना राज्यामध्ये समानता असावी व कोठेही अनियमितता होऊ नये, याकरिता खालील प्रमाणे स्पष्टीकरण करण्यात येत आहे.

ज्या महाविद्यालयीन/विद्यापीठीय शिक्षकांना दि. १.१.१९९६ पूर्वी निम्न टप्प्यात वरिष्ठ श्रेणीत स्थाननिश्चिती जुन्या नियमाप्रमाणे झालेली आहे किंवा त्यांची स्थाननिश्चितीचा किंवा पदोन्नतीचा देय दिनांक १.१.१९९६ अगोदरचा असेल त्यांना दि. २७.२.८९ च्या शासन निर्णयान्वये जुने नियम लागू होतील. ही बाब पुन्हा नव्याने विचारात घेण्याची आवश्यकता नाही.

ज्या विद्यापीठीय/महाविद्यालयीन अधिव्याख्यात्यांची वरिष्ठ श्रेणीचे देय दिनांक १.१.१९९६ च्या पुढे जातील त्यांची वेतननिश्चिती मात्र दि. ११.१२.९९ च्या शासन निर्णयाप्रमाणे करण्यात येईल. परंतु त्यांना आर्थिक लाभ दि. २७.७.९८ पासून देय ठरतील तसेच त्यांची निवडश्रेणी मधील स्थाननिश्चिती मात्र शासन निर्णय दि. ११.१२.९९ मधील तरतुदीनुसार म्हणजे वरिष्ठश्रेणीत ५ वर्षे सेवा पूर्ण झाल्यानंतरच करण्यात येईल.

(डॉ. एस.एन.पठाण)

शिक्षण संचालक (उ.शि.) महाराष्ट्र राज्य, पुणे-१.



appointed under the chairmanship of Prof. R.C. Mehrotra (Mehrotra Committee). The Mehrotra Committee had recommended the following minimum qualifications for appointment to the post of Lecturer :

(i) Qualifying at the National Test conducted for the purpose by the UGC or any other agency approved by the UGC.

(ii) Master degree with atleast 55% marks or its equivalent grade and good academic record.

(iii) The minimum qualifications mentioned above should not be relaxed even for candidates possessing M.Phil., Ph.D. qualifications at the time of recruitment.

After examining the recommendations of the Mehrotra Committee as well as the commission, the Government of India prepared a scheme for revision of pay scales of teachers in the universities and colleges and other measures of maintenance of standards in higher education and by letter dated 17th June, 1987 the Government of India forwarded the said scheme to all the State Government and the Union Territories with a request to formulate detailed proposals for its implementations. The scheme was revised by the Central Government in 1988. In 1989 a conference of Vice Chancellors was held under the auspices of the commission and one of the major recommendations made in the said conference was "the national level test to determine the eligibility for Lecturers be conducted, when the State Government conducts such tests, while accrediting them caution be exercised. ...."

Keeping these recommendations in mind the commission framed the 1991 regulations superseding the earlier regulations framed in 1982. In clause 2 of the 1991 regulations, qualifications for appointment to the teaching posts were laid down in the following words :

(2) Qualifications : No person shall be appointed to a teaching post in the University or in any of the institutions, including constituent or affiliated colleges which commenced under clause (f) of section 2 of the University Grants Act, 1956 or in any institution deemed to be a university under section 3 of the said Act in any subject if he does not fulfill the requirement as to the qualifications for the appropriate subject as provided in schedule I :

Provided that any relaxation in the prescribed qualifications can only be made by a University in regards to the posts under it or any of the institutions, including constituent or affiliated colleges recognised under clause (f) of section 2 of the aforesaid Act or by any institution deemed to be a university under section 3 of the said Act, with the prior approval of the University Grants Commission.

Provided further that these regulations shall not be applicable to such cases where selection through duly constituted selection committees for making appointment to the teaching posts have been made prior to the enforcement of these regulations.

The qualifications laid down in Schedule 1 of the 1991 regulations, framed by the commission for the post of Lecturer were, as under :

Good academic record with at least 55% marks or an equivalent grade at Master's level in the relevant subject from an Indian University or an equivalent degree from an foreign university.

Candidates, besides fulfilling the above qualifications, should have acquired the eligibility test for Lecturers conducted by the UGC, CSIR or similar tests accredited by the UGC.

8. The 1991 regulations were adopted by the Government of Maharashtra vide Government Resolution dated 8th January, 1991 on the basis of the Commission letter dated 30th January, 1990 and for the appointment of Lecturers in

the university and colleges the following qualifications were laid down :

University Lecturers :

(a) A doctorate degree or research of an equally high standards;

(b) Good academic record with at least second class i.e. in the seven point scale.

(c) Masters degree in a relevant subject from the Indian University or an equivalent degree from a foreign university.

Having regard to the need for developing interdisciplining programs the degrees in (a) and (b) may be in relevant subject

College Lecturers:

(a) An M.Phil. degree or a recognised degree beyond the Master's level or published work indicating capacity of a candidate for independent research work and

(b) Good academic record with at least second class (C in the seven point scale) Master's degree in a relevant subject from an Indian University or equivalent degree from a foreign university.

Provided that if the selection committee is of the view that the research work of a candidate, as evident either from his thesis or from his published work, is of a very high standard it may relax any of the qualifications prescribed in (b) above.

9. By a circular dated 10th February, 1993 the commission granted exemption from appearing in the eligibility tests to the following categories :

(a) All candidates who had passed UGC/ CSIR/ JRF examination.

(b) All candidates who were already awarded the Ph.D. degree.

(c) All candidates who were already awarded M.Phil. degree upto 31st March, 1991.

(d) All candidates who would submit their Ph.D. thesis upto 31st December, 1993.

By a further circular dated 15th June, 1993, in respect of candidates failing in category (c), exemption from appearing in the eligibility test was extended to candidates who were awarded M.Phil. degree up till 31st December, 1992. By a notification dated 21st June, 1995, the 1991 regulations came to be amended and the following proviso was added below the requirement regarding clearing the eligibility test for appointment to the post of Lecturer :

"Provided that candidates who have submitted Ph. D. thesis or passed the M.Phil. examination by 31st December, 1993, are exempted from the eligibility tests for Lecturers conducted by UGC/ CSIR or similar test accredited by the UGC".

10. The Government of Maharashtra consequently issued a Resolution dated 12th December, 1995 and adopted these amended qualifications as well. Prior to the said resolution the State Government had issued another resolution dated 28th April, 1994 and followed the changes made by the commission by its circular dated 10th February, 1993 as well as 15th June, 1993 regarding exemption of NET/SET examination in respect of M.Phil. and Ph.D. candidates. By the Resolution dated 22nd December, 1995 the Government of Maharashtra extended the date for acquiring the NET/SET qualifications to 31st March, 1996 and laid down that those Lecturers who were appointed on or after 19th September, 1991 without passing the NET/SET examination or M.Phil. examination upto 31st December, 1993 or not completed Ph.D. till the same date come to be governed by the qualifications as prescribed by the commission and as amended in 1995 viz. passing the NET/SET examination. It further specifically stated that those appointees holding the

posts of Lecturer on account of non-availability of the qualifying candidates shall be treated as adhoc and in any case they would not be liable for removal from service only on account of not qualifying the NET/SET examinations. However, until the time they would pass the said examination they would not be entitled for the benefit of annual increments and such annual increments would be released only after they passed the examination.

11. The amended regulations of 1995 alongwith the regulations of 1991 came to be superseded by the Regulations framed in 2000 by the Commission and they are called the

University Grants Commission (Minimum Qualifications Required for the Appointment and career advancement of Teachers in Universities and Institutions Affiliated to It) Regulations, 2000 (for short, the 2000 Regulations). These regulations have been adopted by the Government of Maharashtra vide its Resolution dated 13th June, 2000, as observed herein above. The qualifications clause in the newly framed regulations reads as under :

"2. Qualifications :

No person shall be appointed to a teaching posts in the university or in any of the institutions including constituent

**UNIVERSITY GRANTS COMMISSION**  
**BAHADUR SHAH ZAFAR MARG,**  
**NEW DELHI - 110002**

**Dr. (Mrs.) Pankaj Mittal**  
Joint Secretary

*No. F 3-3./2000(PS) Date 21 Feb. 2002.*

The Commission at its meeting held on 18.1.2002 considered the modification in the procedure for promotion of Reader to Professor under the Career Advancement Scheme in University Departments.

The Commission Resolved that the following criteria and terms must be adhered to in selecting a candidate for promotion from Reader to Professor under Career Advancement Scheme in University departments :-

- . that a minimum of 8 years experience as a Reader be an eligibility.
- . that the professor already appointed under direct recruitment be not eligible.
- . that self appraisal report for the period including five years before the date of eligibility be submitted;
- . that minimum of five research publications out of which two could be the books be submitted for evaluation/assessment before the interviews;
- . That the assessment of the research publications, including books, be done by three eminent experts in the subject which shall be different than those called for interview to be conducted later on;
- . that all the recommendations be positive from the three experts. In case the recommendation of one out of the three is negative, the research publications be sent to the fourth expert for evaluation and assessment. In all, there has to be a minimum of three positive recommendations out of the total of four experts, in case the fourth expert has participated in the exercise due to one negative report out of the initially three experts involved in evaluation.
- . that there be a separate column in the evaluation report of the expert saying whether the research publications and books are recommended or not recommended.
- . that the University be permitted to hold the interview for promotion under CAS only for those candidates who have cleared by obtaining minimum of three positive recommendations from the experts on their research publications/books;
- . that then after the interview be conducted inviting three experts of the concerned subject making sure that these experts be different than those who had assessed and evaluated the research publications;
- . that repeat process of promotion/interview for the rejected candidates can be conducted only after a minimum period of one year from the date of promotion process/interview in which the candidate was rejected;
- . that the promotion from Reader to Professor under CAS being a personal position and not against a sanctioned post, the teaching work load of the Reader be carried forward with him/her and be undertaken by the promotee even in the capacity of the CAS Professor;
- . that the aforesaid communication be communicated to all the Universities for immediate compliance with effect from March 1, 2002.

This is for your information & necessary action.

Yours faithfully,  
(Dr. (Mrs.) Pankaj Mittal)

Vice Chancellor,  
all Universities

or affiliated colleges recognised under clause (f) of section 2 of the University Grants Commission Act, 1956 or in an institution deemed to be a university under section 3 of the said Act in a subject if he/ she does not fulfill the requirements as per qualifications for the appropriate subjects as provided in the annexure.

Provided that any relaxation in the prescribed qualifications can only be made by the University Grants Commission in a particular subject in which NET is not being conducted or enough number of candidates are not available with NET qualifications for specified period only. (This relaxation if allowed, would be given based on sound justification and would apply to affected universities for that particular subject for the specified period. No individual applications would be entertained).

Provided further that these regulations shall not be applicable to such cases where selection of the candidates having had the then requisite minimum qualification as were existing at that time through duly constituted selection committee for making appointments to the teaching posts have been made prior to the enforcement of these regulation".

Thus, the first proviso of Regulation 2 of the 1991 regulations regarding qualifications was replaced by the amended proviso as set out hereinabove. Clause 1.5.3 of the annexure to the regulations pertains to the qualifications for the post of Lecturer and it reads, thus :

"Good academic record with at least 55% of the marks (or an equivalent grade) at Masters degree level or an equivalent qualification from an Indian or foreign university. Candidates, besides fulfilling the above qualifications should have cleared National Eligibility Test for Lecturers (NET) conducted by UGC or similar tests accredited by the UGC.

Note :- NET shall remain the compulsory requirement for appointment as Lecturer even for candidates having Ph.D. degree. However, the candidates who have completed M.Phil. degree or have submitted Ph.D. thesis in the concerned subject upto 31st December, 1993 are exempted from appearing in the NET examinations."

By Resolution dated 13th June, 2000 the Government of Maharashtra adopted the 2000 Regulations and clause 7 of the said Government Resolution reads as under :

"७. विद्यापीठ अनुदान आयोगाने दिनांक ४ एप्रिल २००० च्या पत्र क्र. ३-१।२००० (पी.एस.) अन्वये पाचव्या वेतन (५) आयोगाच्या वेतन श्रेणीनुसार प्राध्यापक, प्रपाठक पदाकरिता असणारी शैक्षणिक अर्हता तसेच अधिव्याख्याता पदाकरिता असणारे संबंधित विषयातील पदव्युत्तर पदवी किमान ५५ टक्के मार्कांसह उत्तीर्ण असणे चांगला शैक्षणिक अहवाल व नेट/ सेट परीक्षा उत्तीर्ण असणे याबाबतची अधिसूचना जारी केली आहे. ही अधिसूचना विद्यापीठ व संलग्नीत महाविद्यालयातील शिक्षकांना शासनाने स्पष्टीकरणात्मक जारी केलेले निर्णय लक्षात घेऊन विद्यापीठ अनुदान आयोगाच्या अधिसूचनेच्या निर्गमनाच्या दिनांकापासून म्हणजेच दिनांक ४ एप्रिल २००० पासून लागू करण्यात येत आहे. संबंधित विद्यापीठांनी याची नोंद घ्यावी व त्यांच्या अधिनस्थ असणारी कोणतीही महाविद्यालये व विद्यापीठे ही स्वतः त्या अधिसूचनेतील व शासन निर्णयातील अटी व शर्तीचा भंग करणार नाहीत याची कृपया त्यांनी खात्री करून घ्यावी. जर शिक्षकांच्या झालेल्या नियुक्त्या वरील अटी व शर्तीचा भंग करणाऱ्या असतील असे आढळल्यास अशा शिक्षकांच्या वेतनावरील अनुदान शासनाकडून दिले जाणार नाही. महाविद्यालयीन शिक्षकांच्या नियुक्त्या करताना विद्यापीठ अनुदान आयोगाच्या अधिसूचनेतील शर्तीचे काटेकोरपणे पालन करायची जबाबदारी संबंधित महाविद्यालयावर राहिल याची त्यांनी नोंद घ्यावी."

12. By the impugned Resolution dated 18th of October, 2001 the State Government has granted same concessions/ protection to those who have been appointed during the period from 19th September, 1991 to 11th December, 1999 and such protections have been denied to those who have been appointed after 11th December, 1999 and they face the eminent possibility of removal from service, as has been apprehended by the petitioners. The cut off date 11th December, 1999 has its origin in the Government Resolution of the same date issued by the State Government for implementing the Fifth Pay Commission Recommendations with effect from 1st January, 1996 and also the Government of India Scheme of 1998 which was circulated on 24th December, 1998. Clause 7 of the said Government Resolution is regarding the recruitment and qualifications for the

teaching faculty. The qualifications for the post of Lecturer were stipulated as under:

"Good academic record with atleast 55% of the marks or an equivalent grade of (B) in the seven point scale with later grades O,A,B,C,D,E, & F at the Master's degree level in the relevant subject from an Indian University or an equivalent degree from foreign university.

Besides fulfilling the above qualifications candidates should have acquired the eligibility test (NET) for Lecturer's conducted by the UGC, CSIR or similar test accredited by the UGC."

A perusal of the Resolutions issued by the Government of Maharashtra on 8th January, 1991, 11th December, 1999 and 13th of June, 2000 shows that the qualifications as laid down by the Commission for the appointment to the post of Lecturer have been in verbatim followed except that in case of a Ph.D. holder discretion was left with the universities concerned for granting exemption regarding NET/SET examination as is evident from clause 7 of the Resolution dated 11th December, 1999, which read as under :

"7. Recruitment and Qualifications. - The direct requirement to the post of Lecturers, Readers and Professors in the universities and Lecturers in Colleges shall be on the basis of merit through all-India advertisement and selection by the duly constituted Selection Committees to be set up as prescribed in UGC Notification dated 24th December, 1998 under the Statutes/Ordinance of the concerned University. Such Committees should have minimum of three experts, the head of the concerned Department and the Principal of the concerned College (in case of selection of college teachers).

Requirement of teachers in Government Colleges and Institutes of Sciences will be regulated by respective recruitment rules prescribed by the State Government in consultation with Maharashtra Public Service Commission.

The minimum qualifications required for the post of Lecturers, Readers, Professors, Assistant Directors of Physical Education, Deputy Directors of Physical Education, Directors of Physical Education, Assistant Librarians, Deputy Librarians, Librarian and Registrars will be those as prescribed by the University Grants Commission & accepted by State Government from time to time.

The minimum requirement of a good academic record 55% of the marks at the masters level and qualifying in the National Eligibility Test or an appredited test shall remain for the appointment of Lecturers. It would be optional for the University to exempt Ph.D. holders from NET or to require NET in their case either as desirable or essential qualifications for appointment as Lecturers in the University Departments and Colleges. The minimum requirements of 55% should not be insisted upon for Professors, Readers, Registrars, Librarians, Deputy Librarians, Directors of Physical Education, Deputy Librarians, Directors of physical Education for the existing incumbents who are already in the University system. However, these marks should be insisted upon for those entering the system from outside and those at the entry point of Lecturers, Assistant Librarians, Assistant Director of Physical Education.

A relaxation of 5% may be provided, from 55% to 50% of the marks, at the master's level for the SC/ST category.

A. relaxation of 5% may be provided, from 55% to 50% of the marks to the Ph.D. degree holders who have passed their Master's degree prior to 19th September, 1991.

B. in the 7 point scale with later grades O,A, B, C, D, E & F shall be regarded as equivalent of 55% wherever the grading system is followed.

The Ph.D. shall continue to be a compulsory requirement for the designation of Reader. However, for other categories, like those of Registrars, Librarians and Physical Education

Director, the Ph.D. should be a desirable and not an essential qualification.”

However, that discretion left with the University has not been retained in the subsequent Government Resolution dated 13th of June, 2000 or the impugned Resolution and mainly because of the 2000 Regulations framed by the Commission which have been adopted by the State Government.

13. Regulation No. 2 of 1991 Regulation framed by the Commission opened with the words “no person shall be appointed to a teaching post in university or any of the institutions if he does not fulfil the requirements as to the qualifications for the appropriate subjects as provided in Schedule I. The Regulation, therefore, made a declaration that unless a candidate possessed the qualifications, as set out in Schedule I for the concerned post, viz. the Lecturer, his appointment shall not be made. It created a bar against the appointments of candidates not fulfilling the requirement of educational qualifications as set out in schedule I and in Schedule I the following qualifications were formulated.

(a) good academic record with at least 55% marks (or an equivalent grade) at Master’s degree level or an equivalent qualification for an Indian or foreign university.

(b) Candidates, besides fulfilling the above qualification, should have cleared national Eligibility Test for Lecturers (NET) conducted by UGC or similar tests accredited by the UGC.

There is only a provision for relaxation in terms of first proviso under Regulation 2. This proviso states that (a) relaxation in the prescribed qualifications could be made by university, (b) in regard to the post under it or any of the institutions, including constituent or affiliated colleges recognised under clause (f) of section 2 of the UGC Act or by an institution deemed to be an University under section 3 of the said Act and (c) with the prior approval of the Commission. **The Delhi High Court**, upon a writ petition filed by one Rajsingh had held that the 1991 Regulations were valid and mandatory and the university was obliged under law to comply therewith. This decision came to be challenged by the University of Delhi in Civil Appeal No. 1819 of 1994 which was decided by the Apex Court on 8th September, 1994 i.e. “University of Delhi V/s Raj Singh and others” [AIR 1995 SC 336]. The Supreme Court, on analysing the provisions of the Delhi University Act, the UGC Act and Entry No. 63 and 66 of List 1 of Schedule 7 of the Constitution held that (a) the first proviso to clause 2 permitted regularisation in the prescribed qualifications by university provided it is made with the prior approval of the UGC. (b) **the second proviso made the application of the said regulations prospective;** (c) clause 3 of the Regulations provided for the consequences of the failure of the University to comply with the recommendations made in clause 2 in the same terms as are set out in section 14 of the UGC Act; (d) the provisions of **clause 2 of the said Regulations are, therefore, recommendatory** in character and it would be open to an university to comply with the provision of clause 2 by employing as lecturer only such person who has fulfilled the requirement as to qualifications for the appropriate subject provided in the schedule to the said Regulation. It would be open, in specific cases, for the University to seek, the prior approval of the UGC to regularise these requirements. Yet again it would be open to the university not to comply with the provisions of clause 2 in which, in the event that it failed to satisfy the UGC that it had done so for good cause, it would lose its grants from the UGC. The said regulations do not impinge upon the power of the university to select its teachers. The University may still select its lecturers by written test and interview or either. Successful candidates at the basic eligibility test prescribed by the said Regulations are awarded no marks or ranks and therefore, all who have cleared it stand at the same level. There is, therefore, no element of selection in the process. The University’s autonomy is not entrenched upon by the

said Regulations.

14. When the 2000 Regulations were framed by the Commission on 4th April, 2000, clause 2 regarding the qualifications remained the same and the first proviso was amended. The relaxation in the prescribed qualifications was envisaged only in respect of subjects and in which NET is not being conducted or enough number of candidates are not available with NET qualifications for a specified period only. In addition, these relaxations were required to be made by the Commission alone and not by the University concerned as was the position in the earlier proviso under the said clause in the 1991 Regulations. It further clarified that relaxation would be given based on sound justification and would apply to affected universities for a particular subject for the specified period and no individual applications would be entertained. In Schedule I where the qualifications are prescribed for the post of Lecturer a specific note has been added which clarified that though NET would remain compulsory requirement for appointment of Lecturer even for the candidates having Ph.D. degree, the appointees with such qualifications or those who have completed M.Phil. degree up to 31st December, 1993 are exempted from appearing in the NET examination. Thus, the candidates who completed M.Phil. degree or had submitted Ph.D. Thesis in the concerned subject upto 31st December, 1993 are alone exempted from appearing in the NET examination and there is no other relaxation regarding qualifications for appointment to the post of Lecturer.

15. In the case of “University Grants Commission V/s Sadhana Chaudhary and others” [(1996)10 SCC 536] questions relating to grant of exemption in qualifications, in the 1991 Regulations, were raised and more particularly the recruitment regarding clearing the eligibility test for the post of Lecturers or similar test accredited by the U.G.C. the exemption granted in favour of the M.Phil. or Ph.d. candidates, akin to the one under the note, in Schedule I of the 2000 Regulations was also a subject matter of challenge and the **Supreme Court held that granting of such exemption did not run contrary to the requirement prescribed by the Commission in the Regulations of 1991** read with circular dated 10th February, 1993 and 15th June, 1993 which were applicable at the relevant time and the amendment notification dated 21st June, 1995 was also upheld.

16. The Regulations framed by the Commission are applicable to the Universities in the State if the State Government has adopted them by way of a Government Resolution. The 1991 Regulations as well as 2000 Regulations have been adopted by the State Government, and the State Government did not give any other relaxation in addition to the relaxations already provided under clause 2 of the 2000 Regulations. It also laid down that the 2000 Regulation were being implemented from 4th April, 2000. It was further clarified that appointments made contrary to the Regulations shall not be eligible to receive the grant in aid from the State Government. The purport of this Government Resolution was, therefore, clear and loud to the universities as well as to the colleges/ institutions affiliated to them viz. you appoint the teachers who meet the qualifications, if you want to receive the grant in aid from the State Government, lest you do not receive any grants. The relaxation which was given by the State Government in the earlier Government Resolution dated 11th December, 1999 was only in respect of candidates with Ph.D. qualifications i.e. on parts with the 1991 Regulations amended in 1995. However, this was not repeated in the Government Resolution dated 13th June, 2000. Nevertheless, the 2000 Regulations, granting exemption to the M.Phil. Degree holders as well as the Ph.D. candidates, are applicable in the State of Maharashtra as well even as at present. Besides this, there is no other relaxation in terms of qualifications required for the post of Lecturer. **These Regulations are therefore binding on the universities and their affiliated colleges who are**

**aided by the State Government.**

17. Amongst the petitioners, before us, there is no doubt that non of them holds a Ph.D. degree or has submitted thesis for Ph.D. prior to 31st December, 1993. None of them has completed the M.Phil. degree and all of them do not possess the NET/SET qualifications as at present. The petitioners, who are before us, could be categorised in the following groups.

- (a) Appointed from 12th Dec, 1999 to 3rd April 2000.
- (b) Appointees from 4th April, 2000 to 12th June, 2000.
- (c) Appointees from 13th June, 2000 to 18th October, 2001.

18. When the appointments are made to the post of Lecturer they are initially appointed on probation for a period of two years which is required to be extended for a **further period of one year under the concerned university statutes**. The Petitioners who were appointed on or after 11th December, 1999 were admittedly on probation as on 18th of October, 2001 when the impugned Resolution was issued by the State Government. The first group of appointees (appointees from 11th December, 1999 to 3rd April, 2000) were admittedly covered by the 1991 Regulations as amended in 1995 by the Commission and which amendment was upheld by the Apex Court in the case of University Grants Commission (supra). They do not possess the qualifications prescribed in terms of clause 2 read with the Schedule annexed to the Regulations for the post of Lecturer. The relaxation, which was contemplated in educational qualifications for appointment to the post of Lecturers, was only in term of the first proviso thereunder. There is nothing on record to show, before us, that any of the universities has submitted a proposal for approval to the Commission in respect of any post or in respect of any Petitioner. It was necessary in respect of such candidates that before the approval was granted by the concerned universities, to such appointment proposals were moved to the Commission for seeking approval in advance in relaxations of qualifications so long as the university concerned wanted to remain within the purview of the U.G.C. Act and the colleges concerned were desirous for grant in aid from the state Government for these appointments. If the colleges/institutions concerned did not expect any grants from the State Government, they were free to appoint such unqualified lecturers and the Commission would not come in their way as held by the Apex Court in the case of University of Delhi (Supra). As long as the universities concerned wanted to be covered under the provisions of the U.G.C. Act and the colleges / institutions affiliated to these universities were seeking grant-in-aid from the State Government, it was imperative that they complied with the provisions of the 1991 Regulations for these appointments. **The appointments so made were per-se-illegal in as much as they did not meet the educational qualifications and the relaxation clause was not complied with.** The qualifications prescribed vide resolution dated 11th December, 1999 did not provide for any relaxation in qualifications save and except those provided in the 1991 Regulations, as amended in 1995.

19. When the 2000 Regulations were framed by the Commission, the qualifications were maintained and the relaxation clause was modified thereby vesting the full authority with the Commission alone and the role of the universities concerned, for granting approval, was removed. These Regulations have been adopted by the State Government by the Resolution dated 13th June, 2000 but retrospectively. The appointees in the second group i.e. from 4th April, 2000 to 13th June, 2000 have not brought on record whether any such proposals, as contemplated under proviso 1 of clause 2 of these Regulations were moved before the U.G.C. for the respective subjects. The amended Regulations have considered the contingencies in different subjects and made a provision for granting relaxation on having been satisfied regarding the existence of such

difficulties or lack of infrastructure etc. and that too for a limited period. In subjects like Urdu, Pali etc. where postgraduation studies are conducted by the Dr. Babasaheb Ambedkar Marathwada University at Aurangabad, there is a possibility that the necessary facilities for NET/SET examinations may not be available or the number of candidates who have successfully completed these qualifications is inadequate. In such an eventuality, the Commission has provided for granting relaxation. The universities concerned are required to approach the Commission making out a case for relaxation in the concerned subject before the subject appointments are approved by them and if the approvals are granted without complying with the requirements of the said proviso obviously the appointment would be illegal being contrary to the Regulation.

20. **So far as the third group is concerned we have no hesitation in our mind to hold that these appointments have been made in flagrant violation of the 2000 Regulations.** The State Government virtually issued a warning to the Universities, Colleges and/ or Institutions not to appoint Lecturers who did not meet the qualifications as prescribed by the Commission vide resolution dated 13th June, 2000. When these appointments were made the amended proviso to clause 2 of the 2000 Regulation was known to every one concerned including the appointees and they ought to be aware that they were not qualified for these appointments unless approval from the U.G.C. was obtained in advance. In none of these three groups the Universities concerned have complied with the requirements of first proviso of clause 2 of the 1991 Regulations as well as 2000 Regulations and all the colleges/institutions where the petitioners are working are aided institutions and, Therefore, these Regulations are binding on them

21. Shri Shah, the learned senior counsel, who spearheaded the arguments on behalf of all the Petitioners, addressed us on the doctrine of promissory estoppel. In the case of "Council of Civil Services Union V/s Minister for the Civil Services" [(1984) 3 All ER 935] such an issue arose for considerations and the Court observed:

"An aggrieved person was entitled to invoke judicial review if he showed that a decision of a public authority affected him by depriving him of some benefit or advantage which in the past he had been permitted to enjoy and which he could legitimately expect to be permitted to continue to enjoy either until he was given reasons for its withdrawal and the opportunity to comment on those reasons or because he had received an assurance that it would not be withdrawn before he had been given the opportunity of making representation against the withdrawal."

Further, in Sreeh V/s Amalgamated Engineering Union" [(1971) 2 Queens Bench Division 175] turning down the plea of promissory estoppel the Court observed.

"If a man seeks a privilege to which he has no particular claim - such as appointment to some post or other - then he can be turned away without a word. He need not be heard. No explanation need be given. ... .."

22. In the case of "Osmania University V/s R. Madhavi and others" [AIR 1998 A.P. 130] as relied upon by the Petitioners, the Division Bench, while dealing with the doctrine of legitimate expectations, observed, thus :

"6. Coming to the scope of judicial review when a challenge is made on the basis of the doctrine of legitimate expectation, after referring to several judgments of the Courts in England, the Supreme Court pointed out, the doctrine of legitimate expectation, does not give scope to claim relief straightway from the administrative authorities as no crystallised right as such is involved. The protection of such legitimate expectation does not require the fulfillment of the expectation where an overriding public interest requires

otherwise. In other words where a person's legitimate expectation is not fulfilled by taking a particular decision then decision - maker should justify the denial of such expectation by showing some overriding public interest. Therefore, even if substantive protection of such expectation is contemplated that does not grant an absolute right to a particular person. It simply ensures the circumstances in which expectation may be denied or restricted. A case of legitimate expectation would arise when a body by representation or by past practice aroused expectation which it would be within its powers to fulfill. The protection is limited to that extent and a judicial review can be within those limits. ... ..”

By circular dated 28th April, 1994 relaxation was granted for NET/ SET qualifications to those lecturers who were appointed between the period from 27th February, 1989 to 31st March, 1990. Similarly, those who were appointed upto 19th September, 1991 and had possessed Master's Degree with 55% or more marks were also exempted from acquiring the M.Phil. degree. The period for acquiring NET/SET qualifications was also extended upto 31st March, 1996 and failure to do so, on the part of these appointees prior to 19th September, 1991, would result in termination of their services was also made clear. However, this relaxation was subsequently withdrawn by Resolution dated 22nd December, 1995 by the State Government and thus the promise of date of extension upto 31st March, 1996 to acquire the NET/SET qualifications was finally withdrawn by the said Resolution. This decision of the State Government was again reiterated and confirmed by the subsequent Resolution dated 11th December, 1999. The appointees on or after 12th December, 1999 can not claim that any promise was made by the State Government to relax qualifications and more particularly the passing of NET/SET examinations. None of them can therefore, invoke the doctrine of legitimate expectations.

23. The scheme of the 1991 Regulations as well as the 2000 Regulations, as analysed by us, has not aroused any expectations except the relaxation/ concession clause under the first proviso to clause 2 thereunder. Similarly, by the amendments carried out on 1995 the Commission granted some concessions in respect of the candidates who possessed the M.Phil./ Ph.D. qualifications or who had submitted their thesis before the cut off date. There were no promises of any concession or any relaxation in case of other candidates who did not have the qualifications of M.Phil. or Ph.D. from passing the NET/SET examination and a discretion was vested with the University in the 1991 Regulations to approach the Commission for approval in advance for obtaining approval in respect of some parts. This concession was subsequently modified in the 2000 Regulation in respect of subjects but the Universities power to grants such relaxation is removed and the power is now vested with the Commission. The Government of Maharashtra, while adopting these Regulations by the respective resolutions, has not gone beyond the Regulations and none of the Resolutions issued on 11th December, 1999 and thereafter have contemplated any concessions to the candidates similarly placed to the petitioners. The State Government did not hold promise at any time after 11th December, 1999 to the effect that the candidates not possessing the NET/SET qualifications would be considered for appointment as Lecturers in the private aided colleges or in the colleges run by the State Government. The arguments were perhaps based on the premises that the State Government had made some promise of concession but the record does not support this presumption. We, therefore, hold that the doctrine of legitimate expectation is not applicable while deciding the legality of the impugned Resolution dated 18th October, 2001.

24. We shall now proceed to examine each of the clauses of the Government Resolution dated 18th of October, 2001. In the first clause the resolution dated 22nd December, 1995

came to be withdrawn.

In the second clause it has been stated that the Lecturers, who did not possess the NET/SET qualifications and who were appointed during the period from 19th September, 1991 to 31st December, 1993 under the aided, unaided colleges/ institutions through the selection committee would not be discontinued. They are on the other hand, required to obtain these qualifications latest by December, 2003. We do not find anything wrong with these conditions.

“४ जे अधिव्याख्याता पदव्युत्तर परीक्षेत ५५ टक्के किंवा त्यापेक्षा जास्त गुण मिळवून उत्तीर्ण झाले आहेत व त्यांची नियुक्ती दिनांक १९.९.१९९१ पर्यंत झाली आहे. परंतु ज्यांनी एम.फिल परीक्षा उत्तीर्ण केलेली नाही त्यांनी एम.फिल परीक्षेची अट शिथिल करण्यात आली असून त्यांच्या नियुक्त्या नियमित करण्यात येत आहेत.

५. शासन याद्वारे असे आदेश देत आहे की, जे अधिव्याख्याता ५५ टक्के पेक्षा जास्त गुण मिळवून पदव्युत्तर परीक्षा उत्तीर्ण झाले आहेत व ३१.१२.९३ पर्यंत एम.फिल परीक्षा उत्तीर्ण झाले आहेत व ज्यांनी पीएच.डी. चा प्रबंध सादर केला आहे व ज्यांच्या नियुक्त्या विद्यापीठाच्या सक्षम समितीमार्फत करण्यात आल्या आहेत त्यांना नेट/ सेट परीक्षा उत्तीर्ण होण्यापासून सुट देण्यात येत आहे तसेच जे अधिव्याख्याता ५५ टक्के पेक्षा कमी गुण मिळवून पदव्युत्तर परीक्षा द्वितीय श्रेणीत उत्तीर्ण झाले आहेत व ज्यांनी ३१.१२.१९९३ पर्यंत एम.फिल परीक्षा उत्तीर्ण केली आहे अथवा ज्यांनी ३१.१२.१९९३ पर्यंत पीएच.डी चा प्रबंध सादर केला आहे अशा अधिव्याख्यात्यांच्या विद्यापीठ सक्षम निवड समितीमार्फत दिनांक ३१.१२.१९९३ पर्यंत झालेल्या नियुक्त्या या आदेशाद्वारे नियमित करण्यात येत आहेत.

६. शासन पत्र उच्च व तंत्र शिक्षण आणि सेवायोजन विभाग क्रमांक युएसजी-१०३३।(२६४३७)।विशि-४, दिनांक २८.४.१९९४ अन्वये विद्यापीठिय व महाविद्यालयीन शिक्षकांच्या सेवा जरी ते राष्ट्रीय / राज्य पात्रता परीक्षा (नेट/ सेट) उत्तीर्ण नसले तरी ३१.३.१९९६ पर्यंत वाढविण्याचे आदेश देण्यात आले आहेत व दिनांक ३१.३.१९९६ पर्यंत जे अधिव्याख्याता नेट/ सेट परीक्षा उत्तीर्ण होणार नाहीत त्यांना सेवेतून कमी करण्याचे आदेश निर्गमित करण्यात आले आहेत.”

It is the same doctrine of legitimate expectation which perhaps weighed in the mind of the Government. With a benevolent intention the Government decided to extend this outer limit upto December, 2003 for all those who have been appointed upto 11th December, 1999 though these concessions were in fact withdrawn vide Resolution dated 22nd December, 1995. However, a finality to this withdrawal was given vide the Resolution dated 11th December, 1999 only, in view of the following preamble thereto. :

“Government of Maharashtra had approved the implementation of revised pay scales for University and College teachers with effect from 1st January, 1986 vide Government Resolution, Education and Employment Department No. NGC 1296/(1224)/UNI-4, dated 27th February, 1989. After appointment of the Fifth Pay Commission for Central Government employees, the University Grants Commission had appointed a Committee under Chairmanship of Prof. Rastogi to examine the present structure of emoluments and conditions of service of University and College teachers. After considering the Rastogi Committee's Report, the University Grants Commission submitted its recommendation to the Government of India. After examination of this report, Government of India evolved a scheme of pay revision for the University and College Teachers and other measures for improvement of standard in higher education. By their letter dated 27th July, 1998 and subsequent letters dated 22nd September, 1998 and 6th November, 1998, the Government of India accepted and approved the recommendations of UGC to Central Universities and Colleges thereunder. Similarly, the Government of India recommended to the State Government to implement this scheme in the State Universities and affiliated Colleges. The question of implementing Government of India's scheme of revision of pay scales of University and College teachers and other relevant guidelines and notifications issued by U.G.C. from time to time was

under consideration of the State Government. After careful consideration of the Government of India's Package Scheme, 1996 for maintenance of standards in Higher Education, the State Government has now decided to implement the revised pay scales and the terms and conditions of service as detailed below."

25. The next sub clause of clause 2 viz. subclause (b) states that those Lecturers who are not successful in obtaining the NET/SET qualifications by December, 2003 will be continued in service till their retirement and except the annual increment they shall not be entitled for any other benefits like financial benefits, promotion, senior grade or selection grade. It further states that till their retirement they shall be continued in the pay scale of Rs. 8,000-13,000. **We certainly find fault with this clause.** When the Government has adopted the Regulations as framed by the Commission and if the Commission does not provide for such a clause in its Regulations, the State Government cannot deviate from the said Regulation. If the appointees upto 11th December, 1999 failed to obtain the NET/SET qualifications by December, 2003. Undoubtedly they continued to be unqualified to hold the post of Lecturer and they can not be continued beyond December, 2003. **The concession granted by the State Government in this clause is contrary to the Regulations framed by the Commission.** In case there are institutions/ universities who do not want to be covered under the U.G.C. Act, the position would be different but the Government Resolution dated 18th October, 2001 is in respect of all those aided, unaided colleges/ institutions covered under the U.G.C. Act. Though education is a subject in the concurrent list i.e. List III under the Seventh schedule (Serial No. 25), the State Government's power in that regard is subject to the provisions of Entry 63, 64, 65 and 66 and List-I under the said Schedule. **The Government adopted the 2000 Regulation framed by the Commission in toto vide Government Resolution dated 13th June, 2000 and retrospective from 4th April, 2000 under these circumstances, the Government's decision of granting concession, as set out in clause 2(b) of the impugned Government Resolution cannot be sustained.**

26. The impugned clause i.e. clause 2(e) in the Government Resolution dated 18th of October, 2001, states that all the appointees to the post of Lecturer, whose appointments are after 11th December, 1999 (who have been classified in the three different groups, in this judgment) would not be eligible for the concessions granted in subclause (a) as well as (c) of clause 2 and they are liable to be removed from service before the completion of their probationary period. None of the petitioners, who are before us, have been confirmed in service before the impugned Government Resolution was issued. The probationers do not have a vested right of being confirmed in service and more so when they do not meet the requirements of prescribed qualifications for appointment to the post which they hold. Vide Government Resolution dated 11th December, 1999 the State Government had made known its policy in no uncertain words to all the concerned, including the universities and colleges/institutions and stated that the minimum qualifications required for the post of Lecturer, Reader, Professor, Assistant Director of Physical Education, Deputy Director of Physical Education, Director of Physical Education, Assistant Librarian, Deputy Librarian, Librarian and Registrars would be those as prescribed by the Commission and accepted by the State Government from time to time. This resolution had also referred to the scheme formulated by the Commission vide letter dated 24th December, 1998 wherein the minimum qualifications were stipulated for the post of Lecturer under clause 4.4.0. These qualifications were set out in the following words:

"Good academic record with at least 55% of marks or an equivalent grade of B in the point scale with latter grades O, A, B, C, D, E & F at the Master's degree level in the

relevant subject from an Indian University or equivalent degree from foreign university.

Besides fulfilling the above qualifications candidates should have cleared the eligibility test (NET) for lecturers conducted by the UGC, CSIR or similar test accredited by the U.G.C."

By the Resolution dated 11th December, 1999 the scheme of 1998 framed by the U.G.C. was adopted and followed in toto, including the qualifications for the post of Lecturer. In view of this announcement of the State policy the universities or colleges/institutions were not allowed to appoint candidates to the post of Lecturers who did not possess the NET qualifications or its equivalent from 12th December, 1999 unless these appointments were covered under the first proviso to clause 2 of the 1991 Regulations. Even when the Government issued its Resolution dated 13th of June, 2000, adopting the 2000 Regulations framed by the Commission, there was no concession granted, except the concession in the first proviso to clause 2 therein and, therefore, in respect of the appointments made after 13th June, 2000 also the universities and colleges/ institutions were under an obligation to ensure that the candidates appointed to the post of Lecturer did possess the qualifications of NET/SET unless the Commission had granted prior approval within the ambit of the first proviso to clause 2 of the 2000 Regulations. Same is the case in respect of those appointees after 13th of June, 2000 till 18th of October, 2001. **None of the appointees in these three groups fulfill the eligibility conditions in respect of the qualifications and, therefore, they obviously stand in the category of unqualified candidates or ineligible candidates.**

**Does it mean that every one of them is liable to be removed from service during the probationary period or thereafter.** This question cannot be answered in general terms on the face of the relaxation granted under the first proviso to clause 2 of the 1991 Regulations as well as 2000 Resolution. It would be therefore, necessary to examine each case under this proviso and those who did not satisfy the requirements therein must obviously vacate the posts. We deem it appropriate to give these clarification in view of the language of subclause (e) of clause 2 of the impugned Government Resolution dated 18th October, 2001. **It would be necessary for the concerned university or the college/ institution to ascertain whether the appointee concerned is covered by the benefit under the first proviso to clause 2 of the 1991 Regulations or 2000 Regulations before taking the final decision of retention or removal as the case may be.** The State Government's decision impugned before us cannot be read in isolation and it must be read in conjunction with the 1991 as well as 2000 Regulations. A particular university or college/institution may justifiably put up a case before the Commission regarding non-availability of adequate facilities for NET/SET examination and / or inadequate number of qualified candidates in a particular subjects and more particularly against the posts reserved. These parameters / prevailing conditions could be examined by the Commission which is the final authority and the Commission has retained the discretion for applying its mind to all these ground realities and take appropriate decision of granting concessions in favour of such subjects. This discretion of the UGC cannot be taken away by the impugned Resolution which has to be read as an announcement of the Government policy to be implemented on the lines of the Regulations framed by the Commission and not in isolation.

27. Shri Shah, the learned counsel for the Petitioners placed before us a mercy petition, by relying upon a decision of the Supreme Court in the case of "H.C. Puttaswamy and others V/s The Hon'ble Chief Justice of Karnataka High Court, Bangalore and others" [AIR 1991 SC 295] and urged before us to hold that as a matter of one time concession all those unqualified Lecturers, who are appointed prior to 13th

of June, 2000 or 18th of October, 2001, should be held to be eligible for the concessions which have been granted in favour of the candidates who have been appointed on or before 11th December, 1999. We are afraid, this cannot be done by us while exercising our powers under Article 226 of the Constitution and more so on the face of the Regulations framed by the Commission which is a statutory body created under the U.G.C. Act. The Regulations framed by the Commission have also provided some room for relaxation and the concerned universities/colleges/institutions can approach the Commission for exercise of this power of relaxation in a given subject and for a specific period. It is not for this Court to exercise such powers. Shri. Dhobale also argued on the special provisions set out by the Constitution under Article 371 (2) (c) of the Constitution. He urged before us that concessions are required to be continued in favour of the candidates coming from backward regions as well as backward classes. The language of Article 371 does not contemplate concessions or relaxations to be granted for holding an academic post in technical education or higher education. The Commission is an apex body who has been bestowed with the powers to frame the requirement of qualifications and other eligibility conditions and has accordingly framed the Regulations under which no relaxation is provided from the requirement of qualifications in respect of the candidates coming from either the backward regions or from the backward classes except a relaxation of 5% (from 55 to 50%) of the marks at the Master's level for the SC/ST category. The Commission has, thus, considered the subject matter and granted some relaxation. The submissions for further concessions made by the learned counsel do not impress us.

28. We have also noted that the title of the 1991 Regulations framed by the Commission is different from the title of the 2000 Regulations. The earlier Regulations were titled as "the University Grants Commission (Qualifications required for a person to be appointed to the teaching staff of the University and institutions affiliated to it) Regulations, 1991," whereas the later Regulations were titled as "the University Grants Commission (minimum qualifications required for the appointment and Career Advancement of teachers in Universities and institutions affiliated to it) Regulations, 2000". The emphasis, while framing the later Regulations, was for prescribing minimum qualifications required for appointment and for the career advancement of teachers in the universities and institutions affiliated to it. There was no emphasis in this regard in the 1991 Regulations. This deliberate change in the title of the Regulations also speaks about the intentions of the Commission to lay down a minimum qualifications for appointment and insisted that the teachers with these minimum qualifications are only appointed, subject, however, to the provision of relaxation in specific cases.

In the impugned Resolution dated 18th of October, 2001 the State Government has, in clause 3, called upon the Universities and affiliated colleges to implement the 2000 Regulations framed by the Commission and not to appoint

lecturers who do not meet the qualifications set out in these Regulations. If appointments are made of ineligible candidates the State Government will not approve such appointments and grants will not be released in respect of them. The State Government is, therefore, mindful of the legal position that the affiliated college and the universities are bound by the Regulations framed by the Commission so long as they desire to be governed by the provisions of the U.G.C. Act and receive grants from the State Government.

29. It is well established by a catena of judicial enunciations that the academic standards as prescribed by the respective nodal agencies created by an Act of Parliament/Legislature are to be followed and judicial interference in such areas is uncalled for. The Commission is a body created by the U.G.C. Act and in exercise of its statutory powers has prescribed the minimum qualifications for appointment to the post of lecturer as well as other faculty members. It is not safe for this Court to sit in appeal over the decision of the Commission in such matters. The academic standards, prescribed by the Commission, including the minimum qualifications prescribed for appointment of teaching staff, cannot be a subject matter of judicial review and this court would not venture to grant any relaxation in such qualifications, more so when the Commission itself has retained powers of relaxations in the given cases and for a specific period. The State Government by the impugned Resolution, has only announced its determination to implement the 2000 Regulations meticulously and also ensured that all the colleges/institutions receiving grants, follow the same failing which the approvals to such appointments would not be granted and they would forfeit the grants available from the Government. It is for these reasons we do not agree with the view taken by learned Single Judge of the Calcutta High Court in the case of "Amiyakumar Ghosh" (supra).

30. In the result, the petition is rejected summarily subject to our observations that clause 2(b) of the impugned Government Resolution dated 18th October, 2001 is unsustainable and the same is quashed and set aside. We also hold that the cases of candidates appointed from 12th October, 1999 till 18th October, 2000 are required to be examined so as to ascertain the applicability of the first proviso to clause 2 of the 1991 Regulations as well as 2000 Regulations before their services are sought to be terminated by the respective universities and/ or colleges/ institutions.

Dt. 20.2.2002

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