

## पीएच.डी./एम.फील धारकांना प्रोत्साहनपर वेतनवाढी लागू करणे : ७

- प्रा.बी.टी.देशमुख

माजी विधान परिषद सदस्य व महाराष्ट्र प्राध्यापक महासंघाचे माजी अध्यक्ष

१. संघटनेच्या (NUTA) दिनांक १६ मे २०२१ रोजी झालेल्या आमसभेमध्ये विषय क्रमांक ७९६ अन्वये उपरोक्त विषयावर संघटनेचे अध्यक्ष डॉ.प्रवीण रघुवंशी यांनी मांडलेला एक ठराव (174/2021) संमत झालेला आहे. या ठरावातील उपपरिच्छेद (D) पुढीलप्रमाणे आहे. :-

“महाराष्ट्र शासनाच्या वरील शासननिर्णयाने १ जानेवारी २०१६ नंतर नियुक्त झालेले किंवा सेवेत असलेले पीएच.डी./एम.फील. धारक शिक्षक प्रोत्साहनपर वेतनवाढीपासून वंचित राहिलेले आहेत. हा अन्याय दूर करण्यासाठी न्यायालयीन संघर्षाशिवाय अन्य कोणताही पर्याय उपलब्ध नाही असे या सभागृहाला

वाटते. भारतीय संविधानातील कोणत्याही तरतुदीनुसार विद्यापीठ अनुदान आयोगाच्या रेग्युलेशन्स वर कुरघोडी करण्याचा राज्याच्या उच्च शिक्षण विभागाला अधिकार दिलेला नाही असेही या सभागृहाचे ठाम मत आहे. याबाबतीत सर्वोच्च न्यायालयाने नुकताच निर्णय दिलेला आहे. एकदा विद्यापीठ अनुदान आयोगाने रेग्युलेशन्स निर्गमित केल्यानंतर राज्यशासनाचा उच्च शिक्षण विभाग किंवा विद्यापीठे यांना अत्यंत मर्यादित अधिकार उरतात. केंद्रस्थानी असलेल्या शीर्षस्थ संस्थेने ठरवून दिलेल्या धोरणात्मक निर्णयाच्या विरोधात जाईल अशी कोणतीही गोष्ट राज्यशासनाच्या उच्च शिक्षण विभागाला किंवा विद्यापीठांना करता येणार नाही, असे या निर्णयाच्या परिच्छेद ५३ मध्ये स्पष्ट शब्दात नमूद केलेले आहे. ते पुढीलप्रमाणे :- “The concerned Department of the State and the affiliating University have a role to play but it is limited in its application. They cannot lay down any guideline or policy which would be in conflict with the Central statute or the standards laid down by the Central body.” (121/2020)

२. महाराष्ट्र प्राध्यापक महासंघाच्या दिनांक ८ मे २०२२ रोजी झालेल्या बैठकीमध्ये याच विषयावर एक तपशीलवार ठराव (112/2022) संमत करण्यात

(सहपत्र एक : परिच्छेद ३ पहा)

### IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

#### WRIT PETITION NO. 7967 OF 2022

Rajeev Indramani Jha & Ors...Petitioners **VERSUS** State of Maharashtra through Principal Secretary Financial Department & Ors ...Respondents **WITH WRIT PETITION NO. 6917 OF 2023** Dr Bhatu Gangaram Wagh ...Petitioner **VERSUS** The State of Maharashtra through the Secretary of Higher & Technical Education Department & Ors ...Respondents **WITH WRIT PETITION (ST) NO. 9832 OF 2023** Dr ArunMuralidhar Patil ...Petitioner **VERSUS** The State of Maharashtra through the Secretary of Higher & Technical Education Department & Ors ...Respondents **WITH WRIT PETITION NO. 7961 OF 2022** Arif M Rasul Tamboli & Ors ...Petitioners **VERSUS** The State of Maharashtra & Ors ...Respondents **WITH WRIT PETITION NO. 15523 OF 2022** Rajendra Popatrao Patil & Ors ...Petitioners **VERSUS** The State of Maharashtra through the Secretary fo Higher & Technical Education Department & Ors ...Respondents

Ms Prutha Paul, i/b Mihir Joshi, for the Petitioners in WP/7967/2022 & WP/7961/2022. Dr RR Deshpande, i/b Prachiti Deshpande, for the Petitioner in WP/15523/2022, WP/6917/2023 & WPST/9832/2023. Mr Rui Rodrigues, for Respondent No. 5 in WP/7961/2022. Mr Manish Kelkar, for Respondent No. 6 in WP/7967/2022. Mr Milind Deshmukh, for Respondent No. 6 in WP/15523/2022 and for Respondent No. 13 in WP/7967/2022. Dr Ramesh Asawa, for Respondent No. 8 in WP/7967/2022. Mrs Meena Doshi, for Respondent No. 9 in WP/7961/2022. Ms Lancy D'Souza, with Deepika Agrawal & VM Pankar, for Respondent No. 6 in WP/7967/2022. Mrs AA Purav, AGP, for the Respondent-State.

**CORAM : G.S. Patel & Neela Gokhale, JJ.**  
**DATED: 8th August 2023**

**PC:-**

1. There is a compact but admirably comprehensive Affidavit in Reply by Dr Keshav P Tupe, Joint Director, Higher Education Mumbai Region, demonstrating how, according to him, the State Career Advancement Scheme incorporates the UGC incentive directives.

2. All Petitioners seek time to file an Affidavit in Rejoinder. It is to be filed and served by 1st September 2023. No further Affidavits without leave of the Court.

3. List the matter on 5th September 2023.

(Neela Gokhale, J)

(G. S. Patel, J)

### Nagpur University Teachers' Association MEETING NOTICE : 1

DATED : 01.09.2023

From :

**Dr.Nitin C. Kongre**

Secretary, NUTA

Plot No. 144, Gayatri Nagar,  
Behind IT Park, Nagpur-440022

To,

All the members

of the Nagpur University Teachers' Association

Dear members,

I have the honour to inform you that the General Body meeting of the Nagpur University Teachers' Association will be held at 12.00 noon, on the Day and the Date mentioned below.

2. If you propose to move any resolution for the consideration of the General Body, you are requested to send such resolution to me, with a copy to Prof. P.B. Raghuvanshi, President NUTA, Buty Plot, Near Mahajan wadi, Rajapeth, Amravati 444 601 within a period of 10 days from the date of the posting of this Bulletin.

3. It will not be possible to include in the agenda, resolutions received after the due date. So please make it convenient to send such resolutions, if any, within the stipulated time. The place of the meeting will be intimated to you alongwith the agenda.

Thanking you.

Yours faithfully

**Sd/- Dr.Nitin C. Kongre,**

Secretary, NUTA.

**Time, Day and Date of the Meeting**  
**12.00 Noon on Sunday, the**  
**5th November, 2023**

आलेला आहे. या ठरावातील परिच्छेद ५ शब्दशः पुढीलप्रमाणे आहे. :-

“महाराष्ट्र शासनाकडे वारंवार विनंती करूनसुद्धा महाराष्ट्र शासनाने अजूनही याबाबतील आपला शासननिर्णय दुरुस्त केला नाही, हे खेदाने नमूद करावेसे वाटते. त्यामुळे अनेक शिक्षकांना कोर्टकचेऱ्या कराव्या लागत आहे असे दिसून येते. अशाच एका प्रकरणामध्ये (W.P.No. 4618 of 2021) मा.मुंबई उच्च न्यायालयाच्या नागपूर खंडपीठाने दिनांक १८ नोव्हेंबर २०२१ रोजी प्रथम सुनावणीच्या दिवशी पुढीलप्रमाणे आदेश पारित केले. :-

“**The grievance of the petitioners is that** what is stated in the GR dated 08.03.2019 in paragraph No.12 that the incentive structure having been built in the pay structure itself, there would be no incentive in the form of advance increments for obtaining the degrees like Ph.D or M.Phil or Post Graduation Degree in professional courses is incorrect as the regulations framed by UGC published as per notification dated 18.07.2018 require that the advance increments be granted from the date of the appointment and such being the position, **the action of the State government taken after placing reliance upon the aforestated GR is illegal.**

Issue notice for final disposal at admission stage to the respondents, returnable after four weeks.” (293/2021)

३. त्यानंतर काही शिक्षकांनी मा.उच्च न्यायालयाच्या मुंबई खंडपीठासमोर याचिका दाखल केल्या होत्या. निरनिराळ्या पाच याचिका एकत्रितरीत्या दिनांक ८ ऑगस्ट २०२३ रोजी मा.मुंबई खंडपीठासमोर सुनावणीला आल्या. या प्रकरणी उच्च शिक्षण विभागाच्या वतीने सहसंचालक मुंबई यांनी दिनांक ३ ऑगस्ट २०२३ रोजी एक प्रत्युत्तर देणारे शपथपत्र दाखल केलेले आहे. दिनांक ८ ऑगस्ट २०२३ रोजी मा.उच्च न्यायालयामध्ये झालेले कामकाज नमूद असलेले आदेशपत्र याच अंकात **सहपत्र : एक** म्हणून प्रसूत करण्यात आलेले आहे. त्यातील परिच्छेद २ व ३ पुढीलप्रमाणे आहे. :-

“**2. All Petitioners seek time to file an Affidavit in Rejoinder. It is to be filed and served by 1st September 2023. No further Affidavits without leave of the Court.**

**3. List the matter on 5th September 2023.”**

४. सहसंचालक मुंबई यांनी उच्च शिक्षण विभागातर्फे दिनांक ३ ऑगस्ट २०२३ रोजी मा.मुंबई खंडपीठासमोर दाखल केलेले हे शपथपत्र एकूण ११ परिच्छेदांचे आहे. यापैकी सुरुवातीचे ३ परिच्छेद हे औपचारिक माहिती नमूद

(सहपत्र दोन : परिच्छेद ८ पर्यंत)

## Press Information Bureau : Government of India

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### Highlights of Minimum Qualifications for Appointment of Teachers in Universities and Colleges and Measures for Maintenance of Standards in Higher Education

**Ph.D Degree will be mandatory for direct recruitment to Assistant Professors in Universities w.e.f. 01.07.2021- Shri Prakash Javadekar**

**June 13th, 2018, New Delhi**

In order to attract and retain the best quality teachers and other academic staff in Universities and Colleges, the UGC has brought out new regulations. This was disclosed by Union Minister for Human Resource Development, Shri Prakash Javadekar while addressing media persons in New Delhi today. The Highlights of the Regulations are as below:

**(1) Incentives to teachers as provided in the earlier Regulations of 2010 and subsequent amendments have been retained. These include incentives for M.Phil/Ph.D.**

**(2)** API based PBAS System has been removed. A new simplified teacher evaluation grading system has been introduced and research score added for Universities to improve research output.

**(3)** Promotion criteria under CAS for University teachers has been made more research oriented while in case of College teachers, CAS criteria is more focused on teaching.

**(4)** For the first time provision for promotion in Colleges will be up to Professor level.

**(5)** Special provision for recruitment of Assistant Professors in Universities and Colleges for Ph.D Degree holders from a University/ Institution in the top 500 Global rankings has been made.

**(6)** The Regulations mandate introduction of one month induction programme for newly recruited Assistant Professors in Universities/ Colleges/Higher Education Institutions.

**(7)** Ph.D Degree has been made mandatory for promotion to Assistant Professor (Selection Grade) in colleges from 01.07.2021. Ph.D Degree will be

mandatory for direct recruitment to Assistant Professors in Universities w.e.f. 01.07.2021.

**(8)** For the first time, weightages are assigned for CAS in respect of MOOCs and E-Content in Universities and Colleges.

**(9)** Research clusters will be created in the Universities within the State for sharing research facilities, skills and infrastructure to ensure optimal utilization of resources and creating synergies amongst higher education institutions.

**(10)** Up to 10% of the existing sanctioned strength of Professors in Universities shall be appointed as Senior Professors in the Universities. Senior Professors in Universities will be appointed through direct recruitment and through promotion under CAS.

**(11)** Universities will accord permission and provide need based facilities to Colleges teachers to supervise Ph.D/M.Phil scholars.

**(12)** Special category of medal winners in Olympics, Asian Games and Commonwealth Games in eligibility criteria for Assistant Director/ College Director, Physical Education and Sports and Deputy Director, Physical Education and Sports in Universities has been made to promote sports in Universities and Colleges.

**Note: Ph.D Degree shall be mandatory requirement for Direct Recruitment to the post of Assistant Professors in University with the effect from 1st July, 2021. However Masters degree with NET or Ph.D. will continue to be the minimum eligibility requirement for Direct Recruitment to the post of Assistant Professors in colleges.**

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करणारे परिच्छेद आहेत.

५. परिच्छेद ४ ते ९ मध्ये मा.खंडपीठाने दोन मुद्यांवर मागितलेली माहिती नमूद केलेली आहे. याच प्रकरणी दिनांक ४ जुलै २०२३ व ९ ऑगस्ट २०२३ रोजी ज्या दोन मुद्यांवर मा.खंडपीठाने प्रतिवादीकडून माहिती मागविली होती ते दोन मुद्दे पुढीलप्रमाणे :-

“(1) How the CAS incorporates the UGC incentive/increment or how it is “built in”. It would be useful to have, for example, a routine or sample pay bill which shows the distribution of the amounts and the incorporation of the increment.

(2) We would also need from the government a precise statement of those against whom recoveries are proposed so that there is no ambiguity either about the persons or about the amounts. We will make the appropriate orders thereafter.”

६. शपथपत्रातील परिच्छेद १० हा लहानसा परिच्छेद असून त्यामध्ये असे प्रतिपादन करण्यात आलेले आहे की, आम्ही ८ मार्च २०१९ चा जो शासननिर्णय काढलेला आहे तो केंद्रशासनाच्या २ नोव्हेंबर २०१७ च्या आदेशाला धरून काढलेला आहे. त्याप्रमाणे प्रोत्साहनपर वेतनवाढी लागू नाहीत. विद्यापीठ

अनुदान आयोगाच्या २०१८ च्या रेग्युलेशन्सप्रमाणे अशा वेतनवाढी देय आहेत. म्हणजे काय? तर केंद्रशासन व विद्यापीठ अनुदान आयोग यांच्यात मतभेद आहेत. या शपथपत्राच्या परिच्छेद १० मध्ये विद्यापीठ अनुदान आयोग कायदा, १९५६ मधील पुढील तरतूद उद्धृत केलेली आहे. :-

“If any dispute arises between the Central Government and the Commission as to whether a question is or is not a question of policy relating to national purposes, the decision of the Central Government shall be final.”

७. दिनांक २ नोव्हेंबर या केंद्रशासनाच्या पत्राची तारीख ही सन २०१७ मधील आहे, भारत शासन राजपत्राच्या असाधारण भाग ३ च्या सेक्शन ४ मध्ये रेग्युलेशन्स प्रख्यापित करण्यात आले ती बुधवार, दिनांक १८ जुलै ही तारीख सन २०१८ मधील आहे, शिवाय पत्र केंद्रशासनाच्या संमतीने काढण्यात आले होते तर केंद्रशासनाच्या संमतीशिवाय आयोगाला रेग्युलेशन्स काढताच येत नाही अशी कायद्यातच तरतूद आहे. दोनही निर्णय केंद्रशासनाच्या पूर्ण संमतीने झालेले आहेत व २०१८ हे वर्ष २०१७ नंतरचे आहे. आणखी असे की, २ नोव्हेंबरच्या पत्राचा दर्जा काय आहे? ही ठरविण्याची गोष्ट आहे. रेग्युलेशन्सचा बंधनकारक दर्जा मा.सर्वोच्च न्यायालयाच्या अनेक निर्णयांनी निश्चित करून

(सहपत्र तीन : परिच्छेद ९ पहा)

## IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT : THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V  
WEDNESDAY, THE 23RD DAY OF FEBRUARY 2022 / 4TH PHALGUNA, 1943 : WP(C) NO. 15166 OF 2020

**PETITIONER/S:** (1) DR.BAABY JOB AGED 40 YEARS S/O. C.JOB GEORGE, ASSISTANT PROFESSOR, DEPARTMENT OF ZOOLOGY, CMS COLLEGE, KOTTAYAM-686 001, RESIDING AT CHIRIYANKANDATH HOUSE, A6, MAITRI PARK, AYYANTHOLE, THRISSUR-680 003 (2) DR.SHIJA GRACE, D/O. REV.JOHN MATHEW, ASSISTANT PROFESSOR, DEPARTMENT OF HINDI,CMS COLLEGE, KOTTAYAM-686 001, RESIDING AT ELANJIMATTOOM (H), CHIRANIRAPPEL, THIRUVAMPADY P.O., NJIZHOOR VIA KOTTAYAM-686 912 (3) DR.BJU JOSEPH AGED 41 YEARS S/O JOSEPH T.O ASSISTANT PROFESSOR, DEPARTMENT OF CHEMISTRY, CMS COLLEGE, KOTTAYAM-686 001, RESIDING AT THOOMPILPUTHENPURAYIL HOUSE, KALLARA P.O.,KOTTAYAM-686 611 (4) DR.GIGI GEORGE, AGED 39 YEARS S/O. GEORGE SKARIAH, ASSISTANT PROFESSOR, DEPARTMENT OF CHEMISTRY, CMS COLLEGE, KOTTAYAM-686 001, RESIDING AT THYKOOTTATHIL HOUSE, PUTHENPEEDIKA, OMALLOOR P.O., PATHANAMTHITTA-689 647 BY ADVS. S.MUHAMMED HANEEFF SRI.M.H.ASIF ALI

**RESPONDENT/S:** (1) THE PRINCIPAL CMS COLLEGE, KOTTAYAM-686 001 (2) DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, KOTTAYAM OFFICE OF THE DIRECTOR OF COLLEGIATE EDUCATION, PALACE ROAD, KOTTAYAM-686 001 (3) DIRECTOR OF COLLEGIATE EDUCATION, THIRUVANANTHAPURAM OFFICE OF THE DIRECTOR OF COLLEGIATE EDUCATION, VIKAS BHAVAN, PALAYAM, THIRUVANANTHAPURAM-695 033 (4) STATE OF KERALA, REP BY ITS SECRETARY TO THE GOVERNMENT, HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001 BY ADVS. SRI.ABRAHAM GEORGE JACOB SRI.C.MURALIKRISHNAN (PAYYANUR) SMT ANIMA M GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23.02.2022, ALONG WITH WP(C).15222/2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

### JUDGMENT

Instant writ petition is filed seeking the following reliefs:-

(i) Call for the records leading to Exts. P8 to P11 and quash the same by issuing a writ of certiorari or any other appropriate writ order or direction.

(ii) Issue a writ of mandamus or any other appropriate writ order or direction declaring that Clause 6.1.7 of Ext G.O(P) No. 18/2019/HEDN dt. 29.06.2019 [Ext P12 G.O] is void and inoperative and that the petitioners are eligible and entitled to get five non compounded advance increments as provided in Clause 9.1 of the UGC Regulations 2010 [Ext P5] and Clause 19.1 (i) of the UGC Regulations 2018 [Ext P7]

(iii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 4th respondent to grant and disburse five non compounded advance increments to the petitioner as provided in Clause 19.1 (i) of the UGC Regulations 2018 [Ext P7], within a time frame fixed by this Hon'ble Court.

(iv) Issue a writ of mandamus or any other appropriate writ, order or directing the respondents 2 to 5 to refix the petitioners' salary after sanctioning five non compounded advance increments and disburse the same with arrears, within the time frame fixed by Hon'ble Court.

2. Sri. Asif Ali M.H., the learned counsel appearing for the petitioners submits that the petitioners had approached this Court being aggrieved by Exts.P8 to P11 as per which, **the petitioners were denied the five advance increments to which they were entitled to as per the UGC Regulations, 2010.** It is contended that during the pendency of the writ petition, the Government by Ext.P13 Government order dated 23.01.2021 vide G.O.(P.) No. 3/2021/HEDN has modified Ext.P12 and has clarified that advance increments shall be admissible to faculties who obtained PhD/MPhil degree prior to 17.7.2018 and appointed prior to the said date. It is contended that insofar as the petitioners are concerned, they had all obtained PhD Degrees and were appointed prior to 17.7.2018 and they would thus become eligible for advance increments as per Ext.P13 Government Order. According to the learned counsel, in that view of the matter, this writ petition can be disposed of directing the respondents to refix the petitioners' salary in tune with G.O.(P.) No. 3/2021/HEDN dated 23.01.2021 and to disburse the entire arrears due to them.

3. By order dated 17.2.2022, the learned Government Pleader was directed to get instructions with regard to the applicability of the modified Government Order.

4. Ms. M. Anima, the learned government pleader submitted that the grievance of the petitioner can be considered in the light of Ext.P13 Government Order.

5. Having regard to the facts and circumstances and the submissions made across the bar, **there will be a direction to the respondents 3 and 4 to initiate measures to refix the salary of the petitioners in tune with Ext.P13 G.O.(P.) No. 3/2021/HEDN dated 23.01.2021 and to disburse the arrears, if any, due to them, expeditiously, in any event, within a period of three months from the date of receipt of a copy of this judgment.**

This writ petition is disposed of as above.

Sd/-  
RAJA VIJAYARAGHAVAN V  
JUDGE

दिलेला आहे. या सर्व बाबी उच्च शिक्षण विभागाच्या लक्षात आलेल्या नाहीत. ही गोष्ट मा.उच्च न्यायालयाच्या (या प्रकरणातील याचिकाकर्त्यांनी दाखल करावयाच्या शपथपत्राद्वारे) लक्षात आणून देणे आवश्यक आहे.

८. दिनांक २ नोव्हेंबर २०१७ चे पत्र निर्गमित झालेले होते. आयोगाचे Draft Regulations प्रकाशित झालेले होते. त्यावर आलेल्या सूचना व हरकती विचारात घेऊन त्यावरील निर्णय अंतिम झालेले होते. केंद्रशासनाचे रेग्युलेशन्स राजपत्रात प्रसिद्ध करण्यासाठी तयार होते. ते त्याप्रमाणे १८ जुलै २०१८ रोजी प्रकाशित झालेसुद्धा. पूर्व परिच्छेदात मांडलेल्या बाबी एखाद्या राज्यशासनाच्या उच्च शिक्षण विभागाच्या लक्षात येणार नाहीत असे वाटल्यावरून किंवा काय? केंद्राचे मानव संसाधन विकास मंत्री श्री.प्रकाश जावडेकर यांनी एक महिना अगोदर दिनांक १३ जून २०१८ रोजी एक वृत्तपत्रीय प्रसारण प्रसृत केले व त्यात २०१८ च्या रेग्युलेशन्सची वैशिष्ट्ये नमूद केलीत. त्यातील पहिलेच वैशिष्ट्य पुढीलप्रमाणे :-

“(1) Incentives to teachers as provided in the earlier Regulations of 2010 and subsequent amendments have been retained. These include incentives for M.Phil/Ph.D.”

हे वृत्तपत्रीय प्रसारण अधिकृतपणे केंद्रशासनाच्या Press Information Bureau तर्फे प्रसृत करण्यात आलेले असून ते सोबत सहपत्र : दोन म्हणून प्रसृत केलेले आहे.

९. सन २०१० च्या रेग्युलेशनमधील प्रोत्साहनपर वेतनवाढीची तरतूद सन २०१८ च्या रेग्युलेशन्समध्ये कायम ठेवली आहे असे खुद्द केंद्रीय मंत्र्यांनी अधिकृतपणे जाहीर केल्यामुळे दिनांक २३ फेब्रुवारी २०२२ रोजी केरळ उच्च न्यायालयाने W.P.No. 15166 of 2020 या प्रकरणात दिलेला निर्णय लक्षात घेणे आवश्यक आहे. केरळ उच्च न्यायालयाच्या या निर्णयामध्ये याचिकाकर्त्यांची तक्रार काय होती? हे परिच्छेद २ मध्ये पुढील शब्दात नमूद करण्यात आलेले आहे. :-

“The petitioners were denied the five advance increments to which they were entitled to as per the UGC Regulations, 2010.”

केरळ उच्च न्यायालयाच्या खंडपीठासमोर या प्रकरणी सुनावणी सुरू असतांना केरळ शासनाच्या उच्च शिक्षण विभागाने दिनांक २३ जानेवारी २०२१ रोजी याबाबतील शासननिर्णय (G.O.(P.) No. 3/2021/HEDN) काढून मूळ

शासननिर्णयात दुरुस्ती केली व प्रोत्साहनपर वेतनवाढी लागू केल्या. दिनांक २३ फेब्रुवारी २०२२ रोजीच्या मा.केरळ उच्च न्यायालयाच्या निर्णयाच्या परिच्छेद ५ मध्ये पुढील प्रमाणे आदेश नमूद आहेत. :-

“Having regard to the facts and circumstances and the submissions made across the bar, there will be a direction to the respondents 3 and 4 to initiate measures to refix the salary of the petitioners in tune with Ext.P13 G.O.(P.) No. 3/2021/HEDN dated 23.01.2021 and to disburse the arrears, if any, due to them, expeditiously, in any event, within a period of three months from the date of receipt of a copy of this judgment.”

केरळ उच्च न्यायालयाचा हा निर्णय सोबत सहपत्र : तीन म्हणून प्रसृत केलेला आहे.

१०. सहसंचालकांनी दाखल केलेल्या शपथपत्राच्या परिच्छेद ११ मध्ये परिच्छेद १० मधील मुद्याचाच थोडा आणखी विस्तार मांडला असून त्या समर्थनार्थ मा.उच्च न्यायालयाचाच एक निर्णय सोबत जोडलेला आहे. मा.मुंबई खंडपीठासमोर दाखल करण्यात आलेल्या सन २०११ च्या याचिका क्रमांक ११४७ मध्ये दिनांक ७ मे २०१४ रोजी दिलेला हा निर्णय आहे. प्रस्तुत प्रकरणाशी या निर्णयातील वस्तुस्थिती पूर्णपणे गैरलागू आहे. एकतर त्यातील सारीच वस्तुस्थिती पाचव्या वेतन आयोगाची अंमलबजावणी करणाऱ्या ११ डिसेंबर १९९९ च्या शासननिर्णयाशी संबंधित आहे. दुसरे असे की, सन २०१० चे रेग्युलेशन्स अस्तित्वात येण्यापूर्वीच याचिकाकर्ते निवृत्त झालेले होते.

११. आताच्या प्रकरणामध्ये याचिकाकर्त्यांच्या वतीने दिनांक १ सप्टेंबर २०२३ पूर्वी शासनाच्या शपथपत्राला प्रत्युत्तर (Rejoinder) देणारे शपथपत्र मा.उच्च न्यायालयात दाखल करावयाचे आहे. यासंदर्भात महाराष्ट्र प्राध्यापक महासंघाचे अध्यक्ष डॉ.एस.पी.लवांदे व सरकार्यवाह डॉ.पी.बी.रघुवंशी यांच्यात व यांच्याशी चर्चा झाली असून दाखल करावयाच्या शपथपत्रामध्ये या सर्व बाबी व यापूर्वी ठरलेले मुद्दे समाविष्ट व्हावे याची अध्यक्ष व सरकार्यवाह काळजी घेत आहेत.

अमरावती

दिनांक २१ ऑगस्ट २०२३

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PR : (1) P174NB2021 (2) P201NB2021 (3) P230NB2021 (4) P293NB2021 (5) P88NB2022 (6) P112NB2022 (7) P000NB2023

*Dearness Relief Increase to 42 % on Pension/Family Pension w.e.f. 1 st January, 2023.*

## GOVERNMENT OF MAHARASHTRA : FINANCE DEPARTMENT

Government Resolution No.: DRP-2023/CR.60/SER-4  
Hutatma Rajguru Chowk, Madam Cama Road, Mantralaya, Mumbai 400 032.

**Date: 05 July, 2023.**

**Read - Government Resolution No.: DRP-2022/C.R.1/SER-4, Date 11.01.2023.**

### GOVERNMENT RESOLUTION

Government is pleased to decide that the rate of dearness relief with effect from 1st January, 2023 will be revised from 38% to 42% to the State Government pensioners /family pensioners on their Basic Pension/ Family Pension. Revised dearness relief with arrears from 1st January, 2023 will be payable in cash with pension / family pension for the month of July 2023.

2. It will be the responsibility of the Pension Disbursing Authority, i.e. the Pay and Accounts Officer, Mumbai/Treasury Officers, as the case may be, to calculate the quantum of dearness relief payable in each individual case.

3. Government is also pleased to direct that above decision should mutatis mutandis, apply to those pensioners including family pensioners of Recognised and Aided Educational Institutions, Agricultural / Non-Agricultural Universities and Affiliated Non-Government colleges to whom the pension scheme is made applicable.

4. In exercise of the powers conferred by the proviso to Section 248 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah.V of 1962) and of all the other powers enabling it in that behalf. Government

is further pleased to decide that the above decision shall apply to the pensioners including family pensioners of Zilla Parishads.

5. The expenditure on this account should be debited to the Budget Heads to which the retirement benefits of the employees mentioned in the above paras are debited and should be met from the grants sanctioned thereunder.

6. All orders in force in regard to the payment of relief on pension sanctioned by Government from time to time will, mutatis mutandis, apply to the dearness relief now sanctioned.

7. This Government resolution of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 202307051901348105 This order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

(Mahendra Sawant)

Under Secretary to Government of Maharashtra

PR : (1) P 20 NB 2019 (2) P 137 NB 2019 (3) P12 NB 2020 (4) P 281 NB 2021 (5) P 101 NB 2022 (6) P 165 NB 2022 (7) P 27 NB 2023 (8) P 127 NB 2023

# UNIVERSITY GRANTS COMMISSION : NOTIFICATION

## New Delhi, the 31st July, 2023

F. No. 9-1/2010(PS/MISC)Pt. Vol.II.—In exercise of the powers conferred under clause (e) and (g) of sub-section (1) of section 26 read with section 14 of the University Grants Commission Act, 1956 (3 of 1956), the University Grants Commission hereby makes the following amendment in the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2018, namely:-

1. Short title and commencement.-(1) These regulations may be called the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) (3rdAmendment) Regulations, 2023.

(2) These shall come into force on the date of their publication in the Official Gazette.

2. The following regulations in the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Other Measures for the Maintenance of Standards in Higher Education) Regulations, 2018, shall stand amended and be read as under:-

### Regulation

**Existing Provisions** in Principal Regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018

**Amended provisions** in principal Regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018

### Regulation : 3.12

**Existing Provisions** : No person shall be appointed to the post of University and College teacher, Librarian or Director of Physical Education and Sports, in any university or in any of institutions including constituent or affiliated colleges recognized 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 if such person does not fulfill the requirements as to the qualifications for the appropriate post as provided in the Schedule 1 of these Regulations.

**Amended provisions** :No person shall be appointed to the post of University and College teacher, Librarian, or Director of Physical Education and Sports, in any university or in any of the institutions including constituent or affiliated colleges recognized 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 if such person does not fulfill the requirements as to the qualifications for the appropriate post as provided in these Regulations.

### Regulation : 6.3

**Existing Provisions** : The criteria for promotions under Career Advancement Scheme laid down under these Regulations shall be effective from the date of notification of these Regulations. However, to avoid hardship to those faculty members who have already qualified or are likely to qualify shortly under the existing regulations, a choice may be given to them, for being considered for promotions under the existing Regulations. This option can be exercised only within three years from the date of notification of these Regulations.

**Amended provisions** : The criteria for promotions under Career Advancement Scheme laid down under these Regulations shall be effective from the date of

notification of these Regulations. However, to avoid hardship to those faculty members who have already qualified or are likely to qualify within six months (till 17th January, 2019) as per the UGC Regulations on Minimum Qualifications for Appointment of Teachers and other Academic staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education, 2010, a choice may be given to them either, for being considered for promotions under the 2010 or 2018 Regulations. This option can be exercised only up to 31st December 2023 and the date of eligibility shall be retained as the date of promotion. On the date of submission of the application, the candidate should fulfil all eligibility criteria required for promotion.

### Regulation : 6.3 VI (iii)

**Existing Provisions** : The candidate who does not succeed in the first assessment, he/she shall have to be re-assessed only after one year. When such a candidate succeeds in the eventual assessment, his/her promotion shall be deemed to be one year from the date of rejection.

**Amended provisions** : The candidate who does not succeed in the first assessment, he/she shall have to be re-assessed only after one year. When such a candidate succeeds in the eventual assessment, his/her promotion shall be effected either from 1st January or 1st July depending on the date of eventual assessment, as detailed below:

If the eventual assessment is between 1 st January and 30th June of a year, the promotion shall be granted from 1st July of the year.

If the eventual assessment is between 1st July and 31st December of a year, the promotion shall be granted from 1st January of next year.

### Regulation : 6.3 VIII

**Existing Provisions** : The requirement for the Orientation Course and Refresher Course for promotions due under the CAS shall not be mandatory up to 31st December 2018.

**Amended provisions** : Wherever the requirement of the Orientation Course (OC)/Refresher Course (RC) has remained incomplete, the promotions would not be held up, but these requirements should be fulfilled by 31st December 2023 or as notified by the Commission from time to time.

### Regulation : S.No. 3 under Table 3A

**Existing Provisions** : M.Phil.

**Amended provisions** : M.Phil/ LLM /M.Tech/ M.Arch/ M.E./ M.V.Sc./M.D etc.

### Regulation : S.No. D under the category of Note below Table 3A

**Existing Provisions** : The score shall be valid for appointment in respective State SLET/ SET Universities/ Colleges/Institutions only.

**Amended provisions** : SLET/SET score shall be valid for appointment in respective State Universities/ Colleges/Institutions only.

### Regulation : S.No. 3 under Table 3B

**Existing Provisions** : M.Phil.

**Amended provisions** : M.Phil./ LLM / M.Tech / M.Arch / M.E / M.V.Sc. /M.D etc.

**Prof. MANISH JOSHI, Secy.**

[ADVT.-III/4/Exty./317/2023-24]

**Note** : The Principal Regulations were published in the Gazette of India, Extraordinary under Part III, Section 4 vide No. F. 1-2/2017 (EC/PS) dated 18th July 2018.

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सन २००६ पूर्वी सेवानिवृत्त झालेल्या प्राध्यापकांचे सेवानिवृत्ती वेतन ठरवितांना भेदभावपूर्ण वागणूक : ८

## सुनावणी पूर्ण झाली, 'Closed for Judgement' चे आदेश झाले, वर्षभर जज्जमेंट आले नाही, खंडपीठ विखंडीत झाले, विखंडीत झालेले खंडपीठ पुन्हा मंडीत होण्याची शक्यता नाही, अशा स्थितीत काय करावे ?

- डॉ. प्रवीण रघुवंशी, अध्यक्ष, 'नुटा'

१. संघटनेच्या वतीने मा.उच्च न्यायालयाच्या नागपूर खंडपीठासमोर सन २०१६ ची याचिका क्रमांक ३०५२ दिनांक १९ मार्च २०१६ रोजी दाखल करण्यात आलेली आहे. सन २०२२ च्या ऑगस्ट महिन्यामध्ये जवळ जवळ सात वेळा ही याचिका (सोबत इतर याचिकांसह) सुनावणीला आली. दिनांक २५ ऑगस्ट २०२२ रोजी मा.खंडपीठासमोर जी सुनावणी झाली त्यादिवशीच्या आदेशपत्राच्या पहिल्याच वाक्यात मा.खंडपीठाने ही बाब नमूद केलेली आहे. :- "This petition was substantially heard on 11th and 18th August, 2022." त्या दिवशीच्या आदेशपत्रातील शेवटचा सहावा परिच्छेद पुढीलप्रमाणे आहे:-

"6. We have indicated to the learned Counsel for the parties that since 30-8-2022 is the last day of our assignment, we may not be in a position to take the hearing to the logical end. However, at the request of the learned Counsel for the parties, we tentatively fix the matter at 2-30 p.m. on 29-8-2022."

२. दिनांक २९ व ३० ऑगस्ट २०२२ रोजी आणखी सुनावणी झाली व सर्व बाजूंचे म्हणणे ऐकून घेतल्यानंतर दिनांक ३० ऑगस्ट २०२२ रोजी "Close for Judgement A / W Connected Matters" असे मा.खंडपीठाने नमूद केले व या प्रकरणाची सुनावणी संपली.

३. Writ Petition No. 3052 of 2016 या प्रकरणामध्ये नागपूर विद्यापीठ शिक्षक संघ (NUTA) संघटना या नात्याने प्रथम पिटीशनर आहे. तत्सम विषयावरील इतर १५ याचिकांची सुनावणी सोबतच झालेली आहे त्या याचिका पुढीलप्रमाणे:-

WITH (1) WRIT PETITION NO. 2284 OF 2019 (Shri Laxmikant Pandurang Gawande..vs.. The State of Maharashtra and another) WITH (2) WRIT PETITION NO. 2021 OF 2012 (Shri Narayan Wamanrao Chawande and others..vs..The Govt. of Maharashtra and others) WITH (3) WRIT PETITION NO. 2508 OF 2017 (Sitaram Kashiram Shivankar and others..vs.. The State of Maharashtra and others) WITH (4) WRIT PETITION NO. 3062 OF 2016 (Dr. Sahebrao s/o Laxmanrao Jadhao and others ..vs.. The State of Maharashtra and others) WITH (5) WRIT PETITION NO. 3481 OF 2015 (Dr. Venkatasubramanian Nagarajan ..vs.. The State of Maharashtra and others) WITH (6) WRIT PETITION NO. 3176 OF 2016 (Mahadeo s/o Dhondabaji Chaudhari and others ..vs.. The State of Maharashtra and others) WITH (7) WRIT PETITION NO. 4062 OF 2012 (Ramesh Madhav Acharya and others ..vs.. The State of Maharashtra and others) WITH (8) WRIT PETITION NO. 4628 OF 2016 (Gajanan Mansaram Borkar and others ..vs.. The State of Maharashtra and others) WITH (9) WRIT PETITION NO. 3991 OF 2013 (Shri Shankarlal K. Kothari and others ..vs.. The State of Maharashtra and others) WITH (10) WRIT PETITION NO. 3986 OF 2013 (Vishwanath Trimbak Hajare and others ..vs.. The State of Maharashtra and others) WITH (11) WRIT PETITION NO. 4359 OF 2016 (Dr. Madhusudan R. Joshi and others ..vs.. The State of Maharashtra and another) WITH (12) WRIT PETITION NO. 5644 OF 2018 (Shri Ramesh L. Vaidya and others..vs.. The State of Maharashtra and another) WITH (13) WRIT PETITION NO. 5283 OF 2011 (Dr. Nilkanth s/o M. Nimdeokar and others ..vs.. The State of Maharashtra and another) WITH (14) WRIT PETITION NO. 750 OF 2016 (Dr. Vitthal s/o R. Bhamburkar ..vs.. The State of Maharashtra and others) WITH (15) WRIT PETITION NO. 6599 OF 2016 (The State of Maharashtra ..vs.. Dr. Arun s/o Balwantrao Tongo and others)

४. सर्व बाजूंचे म्हणणे ऐकून घेतल्यानंतर या प्रकरणी सुनावणी संपल्याचे व "प्रकरण न्यायनिर्णयार्थ बंद" झाल्याचे आपल्या दिनांक ३० ऑगस्ट २०२२ रोजीच्या आदेशपत्रात मा.खंडपीठाने नमूद केले. या गोष्टीला आता हे बुलेटीन प्रकाशित होत असतांना एक वर्षाचा कालखंड झालेला आहे. सुनावणी पूर्ण झाली असेल, निर्णयार्थ प्रकरण बंद करण्यात आले असेल पण दिर्घकाळ पर्यंत निर्णय येत नसेल तर याचिकाकर्त्यांनी काय करावे? याबाबतचे मार्गदर्शन मा.सर्वोच्च न्यायालयाच्या दोन निर्णयात आढळून येते. ते दोन निर्णय पुढीलप्रमाणे :- (1) Supreme Court of India, Anil Rai vs State of Bihar on 6 August, 2001, Author: K Thomas, Bench: K.T.Thomas, R.P. Sethi. (2) R.C. Sharma v. UOI 1976 (3) SCC 574.

५. कनिष्ठ न्यायालयाने निकाल लवकर दिला नाही तर देखरेखीच्या अधिकारात याबाबत मा.उच्च न्यायालय (Patna High Court) नापसंती व नाराजी व्यक्त करू शकते. पण हायकोर्टाच्या एखाद्या खंडपीठानेच एखादा निर्णय देण्यास विलंब लावला तर काय करावे? याबाबतचा तपशीलवार उल्लेख मा.सर्वोच्च न्यायालयाच्या उपरोक्त पहिल्या निर्णयाच्या परिच्छेद २ व ३ मध्ये आढळून येतो तो पुढील शब्दात :-

"2. In 1961, a learned Judge of the Patna High Court expressed his anguish when a Magistrate took nine months to pronounce a judgment. The words used by him for expressing his judicial wrath is the following:

The Magistrate who cannot find time to write judgment within reasonable time after hearing arguments ought not do any judicial work at all. This Court strongly disapproves the Magistrates making such a tremendous delay in the delivery of his judgments.

3. Now when two Judges of the Patna High Court took two years for pronouncing a judgment after concluding arguments when the parties were languishing in jail, the counsel appearing in this Court in challenge of the said judgment asked in unison whether the exhortation made by the Patna High Court in 1961 is not intended to apply to the High Court."

६. देखरेखीच्या अधिकाराचा वापर करून विलंबाच्या अशा प्रकरणात उच्च न्यायालय कनिष्ठ न्यायालयाला आदेश देऊ शकते, पण खुद्द मा.उच्च न्यायालयाच्या एखाद्या खंडपीठाकडून असा प्रकार होत असेल तर काय करावे? याबाबतचे कोणतेही मार्गदर्शन घटनेमध्ये करण्यात आलेले नाही. मा.उच्च न्यायालयातील न्यायमूर्तींचे स्थान लक्षात घेता घटनेत याबाबत काही तरतुदी करण्याची घटनाकारांना गरज वाटली नसेल. संविधान अंमलात आल्यानंतर सुरुवातीची अनेक वर्षे याबाबत कोणत्याही तक्रारीसुद्धा नव्हत्या. पण अलिकडे हा प्रकार वाढला आहे. याबाबत मा.सर्वोच्च न्यायालयाच्या उपरोक्त निर्णयाच्या परिच्छेद ६ मध्ये तपशीलवार ऊहापोह केला आहे तो पुढील शब्दात :-

"6. If delay in pronouncing judgments occurred on the part of the Judges of the subordinate judiciary, the whip of the High Court studded with supervisory and administrative authority could be used and it had been used quite often to chide them and sometimes to take action against the erring judicial officers. **But what happens when the High Court Judges do not pronounce judgments after lapse of several months, and perhaps even years since completion of arguments? The Constitution did not provide anything in that area presumably**

because the architects of the Constitution believed that no High Court Judge would cause such long and distressing delays. Such expectation of the makers of the Constitution remained unsullied during the early period of the post-Constitution years. **But unfortunately, the later years have shown slackness on the part of a few Judges of the superior Courts in India with the result that once arguments in a lis concluded before them, the records remain consigned to hibernation.** Judges themselves normally forget the details of the facts and niceties of the legal points advanced. Sometimes the interval is so long that the **Judges forget even the fact that such a case is pending with them expecting judicial verdict. Though it is an unpleasant fact, it is a stark reality.**"

७. अपवादभूत किंवा असामान्य कारणे नसतील तर असा विलंब योग्य नव्हे ही बाब सर्वोच्च न्यायालयात उपरोक्त पहिल्या निर्णयाच्या परिच्छेद ७ मध्ये नमूद करतांना मा.सर्वोच्च न्यायालयाच्या दुसऱ्या निर्णयाचा (१९७६ च्या) दाखला दिलेला आहे. तो पुढील शब्दात :-

"7. Should the situation continue to remain so helpless for all concerned. The Apex Court made an exhortation in 1976 through a judgment which is reported as **R.C. Sharma v. UOI 1976 (3) SCC 574**, for expediting delivery of judgments. I too wish to repeat those words as follows:

Nevertheless an unreasonable delay between hearing of arguments and delivery of judgment, unless explained by exceptional or extraordinary circumstances, is highly undesirable even when written arguments are submitted. It is not unlikely that some points which the litigant considers important may have escaped notice. But, what is more important is that litigants must have complete confidence in the results of litigation. **This confidence tends to be shaken if there is excessive delay between hearing of arguments and delivery**

**of judgments."**

८. सदरहू प्रकरणामध्ये विलंब लावण्यास अपवादभूत किंवा असामान्य अशी कोणतीही बाब नसून उलट मा.सर्वोच्च न्यायालयाच्या स्तरावर हा वादविषय अंतिमतः निकाली निघाला आहे ही बाब लक्षात आणून देणारी अनेक प्रकरणे याचिकाकर्त्यांच्या अधिवक्त्यांनी खंडपीठासमोर सादर केलेली आहेत.

९. मा.सर्वोच्च न्यायालयाने आपल्या या निर्णयात स्थिती आणखी बिघडत चालली असल्याने याबाबत काही मार्गदर्शक सूचना देणे आवश्यक वाटते असे परिच्छेद ८ मध्ये पुढील शब्दात नमूद केले आहे. :-

"8. Quarter of a century has elapsed thereafter but the situation, instead of improving has only worsened. We understand that many cases remain in area of **"judgment reserved"** for long periods. It is heartening that most of the Judges of the High Courts are discharging their duties by expeditiously pronouncing judgments. But it is disheartening that a handful of few are unmindful of their obligation and the oath of office they have solemnly taken as they cause such inordinate delay in pronouncing judgments. **It is in the above background, after bestowing deep thoughts with a sense of commitment, that we have decided to chalk out some remedial measures to be mentioned in this judgment as instructions."**

११. त्यानंतर मा.सर्वोच्च न्यायालयाच्या याच निर्णयात निरनिराळ्या ५ उपाययोजना सुचविल्या आहेत. **हा मार्गदर्शक सूचना आहेत** असे मा.सर्वोच्च न्यायालयाने आपल्या निर्णयातच नमूद करून ठेवलेले आहे. त्या ५ उपाययोजना पुढीलप्रमाणे:-

"(i) The Chief Justices of the High Courts may issue appropriate directions to the Registry that in a case where the judgment is reserved and is pronounced later, a column be added in the judgment where, on the first page, **after the cause-title date of reserving the judgment and date of pronouncing**

## NO NEP IN KARNATAKA FROM NEXT ACADEMIC YEAR - CM Siddaramaiah

The previous BJP government had implemented NEP in Karnataka in 2021. However, in the run-up to this year's state Assembly polls, the Congress had promised to scrap NEP after coming to power.

Karnataka Chief Minister Siddaramaiah on Monday announced that the National Education Policy (NEP) 2020 will be withdrawn from the state's higher education institutions from the next academic year. He was speaking during a meeting at the Karnataka Pradesh Congress Committee (KPCC) office on Monday.

Siddaramaiah said that the NEP implemented by the previous BJP government will be completely abolished from the next academic year, while it is set to continue for the current academic year.

"NEP has to be abolished after making some necessary preparations. There was no time for preparations this year. By the time the election results came in and the government was formed, the academic year had already started. This year NEP will be continued as it should not cause problems to students in the middle of an academic year," said Siddaramaiah.

The Congress leader added, "NEP is simultaneously opposed by students, parents, lecturers and teachers. The BJP has sacrificed the interest of the students of the country by implementing NEP for the first time in the state without implementing it in the country."

The previous state BJP government had implemented NEP in Karnataka in 2021. The state was also the first to implement NEP in higher education institutions. However, in the run-up to this year's state Assembly polls, the Congress had promised to scrap NEP after coming to power. It also dubbed NEP as 'Nagpur Education Policy' in a reference to the RSS headquarters.

Vice-chancellors of public universities, in a meeting with higher education minister MC Sudhakar in June, also submitted the challenges in implementing some of the provisions of the policy. Concerns were raised around offering multidisciplinary courses to students given the lack of qualified faculties for teaching open elective subjects under NEP, among other aspects.

Minister Sudhakar also directed the Board of Studies in all state universities to frame the syllabus only till fifth and sixth semesters in an effort to scrap the four-year honours degree. As per NEP, three-year undergraduate degree programmes will be extended to four years as honours degree.

The Congress government is also planning to form a committee soon with representatives from school and higher education departments to come up with a State Education Policy for Karnataka.

it be separately mentioned by the court officer concerned.

(ii) That Chief Justices of the High Courts, on their administrative side, should direct the Court Officers/ Readers of the various Benches in the High Courts to furnish every month the list of cases in the matters where the judgments reserved are not pronounced within the period of that month.

(iii) On noticing that after conclusion of the arguments the judgment is not pronounced within a period of two months the concerned Chief Justice shall draw the attention of the Bench concerned to the pending matter. **The Chief Justice may also see the desirability of circulating the statement of such cases in which the judgments have not been pronounced within a period of six weeks from the date of conclusion of the arguments** amongst the Judges of the High Court for their information. Such communication be conveyed as confidential and in a sealed cover.

(iv) **Where a judgment is not pronounced within three months from the date of reserving judgment** any of the parties in the case is permitted to file an application in the High Court with prayer for early judgment. **Such application, as and when filed, shall be listed before the Bench concerned within two days excluding the intervening holidays.**

(v) **If the judgment, for any reason, is not pronounced within a period of six months any of the parties of the said lis shall be entitled to move an application before the Chief Justice of the High Court** with a prayer to withdraw the said case and to make it over to any other Bench for fresh arguments. It is open to the Chief Justice to grant the said prayer or to pass any other order as he deems fit in the circumstances."

१०. या ५ उपाययोजना मार्गदर्शक म्हणून सोबत दिलेल्या असल्या तरी यापेक्षा आणखी वेगळ्या व परिणामकारक उपाययोजना अंमलात आणण्याची त्या त्या उच्च न्यायालयाच्या मा. मुख्य न्यायमूर्तींना मोकळीक असेल असेही या निर्णयाच्या परिच्छेद ९ मध्ये नमूद केलेले आहे ते पुढील शब्दात :-

"9. I have chosen to reiterate the above instructions in this separate judgment only for providing added emphasis to them. I make it clear that if the Chief Justice of a High Court thinks that more effective measures can be evolved by him for slashing down the interval between conclusion of arguments and delivery of judgment in that particular Court, it is open to him to do so as substitute for the measures suggested by us hereinbefore. **But until such measures are evolved by the Chief Justice of the concerned High Court, we expect that the measures suggested above would hold the field. I may also mention that the above-enumerated measures are intended to remain only until such time as the Parliament would enact measures to deal with this problem.**"

११. सुनावणी संपलेली आहे. न्यायनिर्णयार्थ प्रकरण बंद करण्यात आलेले आहे पण न्यायनिर्णय बराच विलंब झाला तरी समोर येत नाही. अशा

अपवादात्मक स्थितीमध्ये काय करावे? याबाबतच्या मा.सर्वोच्च न्यायालयाच्या मार्गदर्शक सूचनांचा वर ऊहापोह केलेला आहे.

१२. मात्र या प्रकरणी याही पेक्षा वेगळी परिस्थिती निर्माण झालेली आहे. सुनावणी संपलेली आहे. न्यायनिर्णयार्थ प्रकरण बंद करण्यात आलेले आहे. एक वर्ष झाले तरी न्यायनिर्णय आलेला नाही. निर्णय येण्यापूर्वीच मा.खंडपीठ विखंडित झालेले आहे. त्या खंडपीठातील एका मा.न्यायमूर्तींनी राजीनामा दिलेला आहे. अपवादात्मक स्थितीतही हा एक वेगळा अपवाद आहे. वेगळ्याहूनही वेगळी अशी ही स्थिती आहे.

१३. आता आपणहून हे प्रकरण बोर्डावर येईल अशी शक्यता वाटत नाही. कारण ज्या खंडपीठाने शेवटपर्यंत सुनावणी केलेली आहे ते खंडपीठ आता विखंडित झालेले असून त्यानंतर काय उपाययोजना करावी लागेल याबाबतीत काही कायदेतज्ज्ञांशी चर्चा केली असता मतभेद दिसून आलेत. काहींच्या मते मा.सर्वोच्च न्यायालयात अर्ज दाखल करून त्या अर्जांमध्ये **वस्तुस्थिती मा.सर्वोच्च न्यायालयाच्या लक्षात आणून द्यावी. वस्तुस्थितीदर्शक मुद्दे पुढीलप्रमाणे असावेत.:-**

(१) या याचिकांमध्ये निर्णयार्थ असलेला मुद्दा हा आता कायद्याच्या दृष्टीने वादविषय राहिलेला नाही. (The issue is not res integra.) मा.सर्वोच्च न्यायालयाच्या निरनिराळ्या पाच निर्णयांनी याबाबतीत कायद्याचा अंतिम शब्द निश्चित करून दिलेला आहे.

(२) मा.नागपूर खंडपीठापुढे या निर्णयाची सुनावणी पूर्ण झालेली असून या प्रकरणी "Closed for Judgement" चे आदेश पारित झाले.

(३) निर्णयार्थ प्रकरण बंद झाल्यानंतर एक वर्षाचा कालखंड उलटला तरी 'न्यायनिर्णय' आलेला नाही व आता तो येण्याची शक्यता नाही कारण सुनावणी पूर्णत्वास नेणारे खंडपीठ एका मा.न्यायमूर्तींनी राजीनामा दिल्यामुळे विखंडित झाले असून ते पुन्हा रचित होण्याची शक्यता नाही.

(४) या सर्व याचिका दाखल होऊन सहा-सात वर्षांपेक्षा जास्त काळ झालेला आहे.

(५) प्रत्येक याचिकाकर्ता हा ज्येष्ठ नागरिक असून प्रत्येकाचे वय ७५ वर्षांपेक्षा जास्त आहे.

१४. उपरोक्त वस्तुस्थिती लक्षात आणून दिल्यानंतर **मा.सर्वोच्च न्यायालयाला त्याच अर्जांमध्ये अशी विनंती करावी की,**

(१) या प्रकरणातील वादविषय मा.सर्वोच्च न्यायालयाने निरनिराळ्या पाच प्रकरणी निकाली काढलेला असल्यामुळे व कायद्याचा अंतिम शब्द निश्चित करून दिलेला असल्यामुळे मा.सर्वोच्च न्यायालयानेच या प्रकरणी याचिका दाखल करण्यास परवानगी द्यावी व सुनावणीनंतर निर्णय द्यावा

**किंवा**

(२) मा.मुंबई उच्च न्यायालयाने या कामी वेगळे खंडपीठ नेमून मा.सर्वोच्च न्यायालय ठरवून देईल तेवढ्या मुदतीत हे प्रकरण निकाली काढावे असे आदेश मा.सर्वोच्च न्यायालयाने पारित करावे.

१५. काही कायदेतज्ज्ञांच्या मते असा अर्ज मा.मुंबई उच्च न्यायालयाच्या मुख्य न्यायमूर्तीकडे करावा लागेल व उपरोक्त वस्तुस्थिती त्यांच्या लक्षात आणून देऊन उपरोक्त विनंतीसुद्धा त्यांच्याकडेच करावी लागेल. याबाबत संघटनेच्या अधिवक्त्यांशी चर्चा करून अंतिम निर्णय घेतला जाईल. याबाबतीत याचिकाकर्त्यांपैकी कोणाच्या काही सूचना असल्यास अंतिम निर्णय घेतांना त्याचाही विचार केला जाईल. अनेक याचिकाकर्ते फोनवरून विचारणा करीत आहेत म्हणून ही तपशीलवार माहिती प्रस्तुत केलेली आहे.

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