



BEFORE THE GRIEVANCE REDRESSAL COMMITTEE,  
SHIVAJI UNIVERSITY, KOLHAPUR.

Complaint No.01/2023

Dr. Sudhir Appaji Patil

..... Complainant

V/S

1. D.K.A.S.C College, Ichalkaranji,  
Dist.Kolhapur
2. Shri. Swami Vivekanand Shikshan  
Sanstha Kolhapur.

..... Opponent

Complaint No.02/2023

Dr.Vijay Bapu Gaikwad

..... Complainant

V/S

1. Yashwantrao Chavan Arts &com.  
College, Islampur, Dist.Sangli
2. Walva Taluka Shikshan Sanstha,  
Urun Islampur,Dist.Sangli

..... Opponent

Complaint No.03/2023

Dr.Rupa Shantilal Shaha

..... Complainant

V/S

1. Mahaveer College, Kolhapur.
2. Acharya Deshabhushan Shikshan  
Prasarak Mandal, Kolhapur

..... Opponent

Complaint No.04/2023

Dr.Suresh Yashwant Shinde

..... Complainant

V/S



1. P.Vasandraodada Patil, College,  
Tasgaon, Dist.Sangli

2. Shri. Swami Vivekanand Shikshan  
Sanstha, Kolhapur.

..... Opponent

Complaint No.05/2023

Dr.Sulochana Narsingrao Antarreddy

..... Complainant

V/S

1. D.R.Mane College, Kagal, Dist.Kolhapur

2. The Kagal Education Soc. Kagal

..... Opponent

Complaint No.06/2023

Dr.Padmja Mahaveer Chogule

..... Complainant

V/S

1. Smt.Kasturbai Walchand College, Sangli

2. Latthe Education Soc. Sangli

..... Opponent

Complaint No.07/2023

Dr.Tukaram Shamu Thorat

..... Complainant

V/S

1. Kamla College, Kolhapur.

2. Tararani Vidyapith Rajarampuri,  
Kolhapur.

..... Opponent

Complaint No.08/2023

Dr.Pandurang Keshav Maskar

..... Complainant

V/S





1. D.K.A.S.C College, Ichalkarnji, Kolhpaur
2. Shri. Swami Vivekanand Shikshan Sanstha, Kolhapur.

..... Opponent

Complaint No.09/2023

Dr.Shoukatali Appasaheb Bojgar

..... Complainant

V/S

1. The New College, Kolhapur.
2. Shri. Prince Shivaji Maratha Boarding House, Kolhapur.

..... Opponent

Complaint No.10/2023

Dr.Arun Dattatray Lokhande

..... Complainant

V/S

1. Yashvantrao chavan Warna college, Warnanagar, Dist.Kolhapur.
2. Shri Warna Vibhag Shikshan Mandal, Varnanagar.Dist.Kolhapur.

..... Opponent

Complaint No.11/2023

Dr.Narayan Ramchandra Sawant

..... Complainant

V/S

1. Shivraj Arts, Com.&D.S.Kadam Sci.College Gadhinglaj, Dist.Kolhapur
2. Karmaveer Vitthhal Ramji Shikshan Sanstha Gadhinglaj.

..... Opponent

Complaint No.12/2023

Dr.Balvant Natha Turambekar

..... Complainant





V/S

1. D.R.Mane College, Kagal,  
Dist.Kolhapur
2. The Kagal Education Soc. Kagal ..... Opponent

Complaint No.13/2023

Dr.Bhimarao Janardan Patil ..... Complainant

V/S

1. Sadguru Gadge Maharaj,  
Karad, Dist.Satara.
2. Rayat Shikshan Sanstha,Satara. .... Opponent

Complaint No.14/2023

Dr.Subhash Shivappa Kothawale ..... Complainant

V/S

1. P.Vasandraodada Patil, College,  
Kavtemahnkal, Dist.Sangli
2. Shikshan Prasarak Sanstha,  
Kavtemahnkal, Dist.Sangli ..... Opponent

Complaint No.15/2023

Dr.Mahadev Ganpati Jadhav ..... Complainant

V/S

1. K.B.P College Islampur, Dist.Sangli.
2. Mahatma Phule Shikshan  
Sanstha, Urun Islampur, Dist.Sangli ..... Opponent

Complaint No.16/2023

Dr.Narendra Yashwantrao Rajeshirke ..... Complainant





V/S

1. Vivekanand College, Kolhapur.
2. Shri.Swami Vivekanand Shikshan Sanstha, Kolhapur

..... Opponent

Complaint No.17/2023

Dr.Ramarao Gunda Patil

..... Complainant

V/S

1. Lal Bahadur Shastri College, Satara.
2. Shri. Swami Vivekanand Shikshan Sanstha, Kolhapur.

..... Opponent

Complaint No.18/2023

Dr.Maruti Ganpati Patil

..... Complainant

V/S

1. D.K.A.S.C College Ichalkaranji, Dist.Kolhapur.
2. Shri. Swami Vivekanand Shikshan Sanstha, Kolhapur.

..... Opponent

Complaint No.19/2023

Dr.Rama Vithoba Dhekale

..... Complainant

V/S

1. Kisanveer Mahavidyalay, Wai, Dist.Satara.
2. Janata Shikshan Sanstha,Wai, Dist.Satara.

..... Opponent







## ORDER

(Passed on this 26<sup>th</sup> Day of May 2023)

These complaints raise similar questions of law and the grievances in all of them are the same. Since the point of law involved is common, these complaints were heard together and are being decided by this common order. Though all these complainants have retired from their respective posts on the dates mentioned in the appended table, they had through Shivaji University Teachers Association moved the Hon'ble High Court by filing a Writ Petition No. 10606/2018 raising similar grievances. However has their grievance could be brought, before this committee, pursuant to the Scheme of Section 79 of the Maharashtra Public Universities Act 2016, the petitioners, sought to withdraw the said petition, with liberty to approach this Committee and accordingly, Hon'ble High Court by its order dated 08/12/2022, allowed the petition with liberty to approach this Committee and accordingly all this complainants have filed the separate complaints before the Committee.

Though the grievances in all these complaints are similar, the individual facts in them are slightly different. For convenience, we wish to refer to the contents of the complaint filed by Prof. Dr. Bhimrao J. Patil, which is treated as in representative capacity. All these complaints are complaining that they were working in the respective Educational Institutions as lecturers from the dates of their respective joining dates as mentioned in the appended table and all of them had become eligible for promotion to the post of professor on the respective dates mentioned in the table. The proposals for their appointments to the post of Professor Stage- 5





were sent by their respective Educational Institutions on the respective dates mentioned in the appended table. The said table shall form part of this order.

The Committee (CAS) for considering the eligible candidates for the promotion, was accordingly formed and interviews of the candidates including all these complainants were scheduled to be held on May 25th to May 27th, 2018. There is no dispute about this factual position. There is also no dispute with the fact that, except Prof. B.J. Patil, all these complainants were already retired prior to the date of the interview. The grievance of the complainants is that the Interview Committee refused to interview all these complainants on the ground that they have already retired from the services and since the effect to the promotion is to be given with effect from the date on which the promotees take charge of their promotional post and as the complainants have already retired, there is no possibility of their taking over the charge of their promotional post. This refusal to interview them is the main grievance raised by all these complainants, and all of them are contending that they had become eligible for being considered for promotion having completed minimum eligible period. According to the complainants the promotion could be granted to them with retrospective effect from the date they became eligible for the promotion as per sub clause 6.3.12 of Career Advancement Scheme 2010, framed under University Grant Commission Regulations.

The respective institutions have filed their respective statements and the affiliation section of the University has also filed its statement. The Committee has heard the arguments of complainant Dr. S. A. Bojgar on behalf of all the complainants. The







committee has also heard the respective institutions' representatives as well as representatives of Shivaji University.

The fact which prominently transpires, is that the government's representative was a member of the Selection Committee (CAS Committee) and he took exception to the fact that complainants have already retired, and Government Circular dtd. 7/9/2011, amongst other provisions said that the effect to the promotion shall be given from the date on which the concerned selected lecturer takes charge of the post of professor after he is promoted.

It is seen that the CAS is governed by the UGC Regulations 2010 which are applicable to the teachers. The relevant clause of CAS 2010 that relates to the procedure of promotion is sub-clause 6.3.12, which says: Clause (A): if a candidate applies for promotion on completion of the minimum eligibility period and is successful, the date of promotion will be from that of the minimum period of eligibility; (B) if, however, the candidate finds that he/she fulfils the eligibility conditions at a later date and applies on that date and is successful, his/her promotion will be effected from that date of application fulfilling the criteria; (C) if the candidate does not succeed in the first assessment but succeeds in the eventual assessment, his/her promotion will be deemed to be from the later date of successful assessment.

The UGC Regulations dated June 30, 2010; on Minimum Qualifications for Appointment of Teachers and Academic Staff in Universities and Colleges and measures of maintenance of standards in higher education Clause 6.3.12; are reproduced above and it is clear there from that whenever the candidates apply for promotion,





in compliance with the minimum eligibility period and are successful, the date of promotion will be from their attaining minimum period of eligibility. The clauses A, B, and C are reproduced above. When the aspect of promotions is governed by the UGC Regulations, the UGC requirements would override the circulars issued by the government. Therefore, the insistence on the part of the representative of the government in the CAS Committee that since complainants are already retired, they cannot be considered for the post of promotion is per se illegal. Not only that it is, against the principle of legitimate expectation of all these complainants, who have undisputedly become eligible for being considered for the promotion post of professor. Denying to even interview a candidate is gross-violation of the above principle and is illegal. The Regulations framed by the UGC override the circular issued by the government. Circulars are not even subordinate legislation and are merely the guidelines issued by the government from time to time for the conduct of its business. Therefore, the CAS Committee was grossly in error in denying to interview all these complainants. This Committee is of the strong opinion that the said action was illegal. The complainants, at least should have been interviewed by the CAS Committee. Their eligibility for the promotion ought to have been considered and if the CAS Committee was subjectively satisfied about the eligibility of the concerned, then the concerned could have been promoted with retrospective effect even. This is gross injustice and needs to be redressed by this Committee. Therefore, these complaints deserve to be allowed and following orders are required to be passed. Hence the following order.



## ORDER

The respondents are directed to hold a selection process for these complainants to consider them for promotion to the post of Professor. If these complainants are found by the Committee, subject to its subjective satisfaction, to be fit to be promoted, they may be selected, and all the benefits of the promotional posts shall be granted to each of them from the date of their respective minimum eligibility and concerned institutions shall pay all the monetary benefits and all other benefits to each of the complainants who are successful in the fresh selection process, up to the date of their respective retirements. With these directions the complaints are disposed of.

**Date: 21 JUN 2023**



Member  
Dr.S.S.Mahajan



Member  
Dr.V.N.Shinde



Member  
Smt.A.H.Kolekar



Member  
Shri.S.U.Shinde



Member  
Dr.S.P.Hangirgekar



Member Secretary  
Smt.A.A.Kadam



Chairperson  
Shri.A.V.Deshpande