

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NOS 340, 341, 342, 343, 344,  
687, 875 AND 757 OF 2011**

**DISTRICT : MUMBAI**

**1. ORIGINAL APPLICATION NO.340 OF 2011**

Mr. Ketan Pravin Shah. )  
Indian Inhabitant, Age : 44 years, )  
Occu.: Temporary Part-Time Lecturer, )  
Residing at : 73, Enterprise Apartment, )  
Forjet Hill, Mumbai – 400 036. ) **...Applicant**

**Versus**

1. The State of Maharashtra. )  
Through the Secretary, )  
Higher & Technical Education Dept., )  
Mantralaya, Mumbai - 400 032. )  
2. Director of Education (Higher )  
Education), M.S, Pune, Maharashtra )  
3. The Principal. )  
Sydenham College of Commerce & )  
Economics, 'B' Road, Churchgate, )  
Mumbai 400 020. ) **...Respondents**

**WITH**

**2. ORIGINAL APPLICATION NO.341 OF 2011**

Mr. Ghanshyam Chimanlal Lalka. )  
Indian Inhabitant, Age : 42 years, )  
Occu.: Temporary Part-Time Lecturer, )  
Residing at 9, Sarayu, 155, Garodia )  
Nagar, Ghatkopar (E), Mumbai 400 077. ) **...Applicant**

**Versus**

1. State of Maharashtra & 2 ors. ) **...Respondents**

**WITH****3. ORIGINAL APPLICATION NO.342 OF 2011**

Mrs. Jasmine Divyesh Mehta. )  
 Indian Inhabitant, Age : 43 years, )  
 Occ.: Temporary Part-Time Lecturer, )  
 Residing at 8, Rishi Dayanand Society, )  
 Dadabhai X Road, Vile-Parle (W), )  
 Mumbai 400 056. ) **...Applicant**

**Versus**

1. State of Maharashtra & 2 ors. ) **...Respondents**

**WITH****4. ORIGINAL APPLICATION NO.343 OF 2011**

Mr. Ashok Dhirajlal Mehta. )  
 Indian Inhabitant, Age : 40 years, )  
 Occ.: Temporary Part-Time Lecturer, )  
 Residing at B-60, Milan, 87, Tardeo Road, )  
 Mumbai 400 034. ) **...Applicant**

**Versus**

1. State of Maharashtra & 2 ors. ) **...Respondents**

**WITH**

**5. ORIGINAL APPLICATION NO.344 OF 2011**

Mrs. Anjali Sunil Dalvi. )  
 Indian Inhabitant, Age : 44 years, )  
 Occ.: Temporary Part-Time Lecturer, )  
 Residing at A-1, Krishna Complex, )  
 Subhash Road-A, Vile Parle (E), )  
 Mumbai 400 036. ) **...Applicant**

**Versus**

1. State of Maharashtra & 2 ors. ) **...Respondents**

**WITH****6. ORIGINAL APPLICATION NO.687 OF 2011**

Mr. Manoj Mehta. )  
 Indian Inhabitant, Age : 41 years, )  
 Occ.: Temporary Part-Time Lecturer, )  
 Residing at C-9, Anupreeta, )  
 Veera Desai Road, Andheri (W), )  
 Mumbai 400 053. ) **...Applicant**

**Versus**

1. State of Maharashtra & 2 ors. ) **...Respondents**

**WITH**

**7. ORIGINAL APPLICATION NO.757 OF 2011**

Mr. Rajesh G. Kukreja. )  
 Indian Inhabitant, Age : 42 years, )  
 Occ.: Temporary Part-Time Lecturer, )  
 Residing at C-101, Satellite Park, )  
 Caves Road, Jogeshwari (E), )  
 Mumbai 400 060. ) **...Applicant**

**Versus**

1. State of Maharashtra & 2 ors. ) **...Respondents**

**WITH****8. ORIGINAL APPLICATION NO.875 OF 2011**

Mr. Urvish Gunvantlal Parikh. )  
 Indian Inhabitant, Age : 42 years, )  
 Occ.: Temporary Part-Time Lecturer, )  
 Residing at 23, Alaknanda Society, )  
 Dr. Deshmukh Lane, V.P. Road, )  
 Mumbai 400 004. ) **...Applicant**

**Versus**

1. State of Maharashtra & 2 Ors. ) **...Respondents**

Mr. U.V Bhosle, learned Advocate for the Applicants in O.A 340, 341, 342, 343, 344, 687 and 875/2011.

Mr. S.P Lahane, learned Counsel for the Applicant in O.A 757/2011.

Mr. A. Khandekar, learned Special Counsel with Ms. Archana B.K., learned Presenting Officer for the Respondents.

**CORAM** : **Justice Ms. Mridula Bhatkar (Chairperson)**  
**Ms. Medha Gadgil (Member) (A)**

**RESERVED ON** : **21.09.2021**

**PRONOUNCED ON** : **20.10.2021**

**PER** : **Justice Ms. Mridula Bhatkar (Chairperson)**

### **J U D G M E N T**

1. The relief claimed and the issues involved in all the applications are same, and hence by consent all the applications are heard together and are decided by common judgment.

2. All these Original Applications of 2011 were earlier decided by the Division Bench of the Tribunal by common judgment dated 27.4.2015, allowing the Original Applications and applicants were given continuity of their services from the respective dates of their first appointment and the Respondents were directed to fix their pay from 1.5.2015 as per 5<sup>th</sup> & 6<sup>th</sup> Pay Commission. The said judgment was challenged by the Respondents before the Hon'ble High Court in Writ Petitions No.8554/2017 & Ors. and all the Writ Petitions were decided on 22.1.2018. The Hon'ble High Court found that the judgment of the Tribunal was based on the ratio laid down by the Hon'ble High Court in the case of **Arun L. Zurmure Vs. Presiding Officer, University & College Tribunal and others, W.P 2376/1999, dated 1.8.2014**, however it was set aside by the Hon'ble Supreme Court in the case of **Pragati Mahila Samaj & Anr. V/s. Arun S/O Laxman Zurmure &**

***Ors, Civil Appeal No.6498 of 2016, decided on 19.07.2016,***

pending said Writ Petition. Hence, the Hon'ble High Court quashed and set aside the order dated 27.4.2015 passed by the Tribunal and all the Original Applications were remitted back to the Tribunal for fresh decision in accordance with law.

3. The Applicants, Chartered Accountants by profession and who have been working as Temporary Part Time Lecturers in Sydenham College of Commerce and Economics, Mumbai, seek directions that they are to be treated as Permanent Part Time Lecturers from the respective dates of their first appointment and they should be granted all benefits flowing therefrom. It is also prayed that the applicants be given the revised pay scale as per University Grants Commission scale from the respective dates of their appointment and also the revised pay scale according to 5<sup>th</sup> and 6<sup>th</sup> Pay Commission along with arrears and yearly increments. The applicants have relied on the G.R dated 11.12.1999 regarding revised pay scale.

4. All the applicants are qualified Chartered Accountants. They are also working in Sydenham College of Commerce and Economics, Mumbai as Temporary Part Time Lecturers since 1993-94. They were reappointed from time to time till 2002 and thereafter, they continued to work as Temporary Part Time Lecturers in the Respondent-College, till today. They all teach 'Accountancy'. It is the case of the applicants that they are sharing the workload of delivering 11 lectures per week

and every lecture is of 45 minutes. However, they are not paid as per the Government policy and, their representations to the Government were turned down therefore, they are before this Tribunal.

5. The Respondent-State filed affidavit in reply on behalf of Respondents no 1 to 3 dated 25.11.2011 through, Principal in the office of Sydenham College of Commerce and Economics, Mumbai. The applicants filed affidavit in rejoinder dated 13.1.2012. Thereafter, affidavit in sur-rejoinder dated 5<sup>th</sup> August, 2014 was filed on behalf of Respondents no 1 to 3 through, Principal, Sydenham College of Commerce and Economics, Mumbai. Thereafter additional affidavit in reply dated 2.12.2014 was filed on behalf of Respondents no 1 to 3. Additional affidavit in rejoinder was filed by the applicants.

6. We time to time made short queries with a view to extract the correct information to adjudicate the issues. The Respondent-State so also the Principal, Sydenham College of Commerce and Economics, Mumbai have filed short affidavits in reply answering these queries. Affidavit-in-reply dated 30.8.2021 is filed by the Principal Secretary, Higher and Technical Education Department. Thereafter additional affidavit in reply dated 31.8.2021 is filed by the Director, in the office of Directorate of Higher Education, Maharashtra State, Pune. Affidavit in reply dated 27<sup>th</sup> August, 2021 on behalf of Respondent no. 3, is filed by the Principal, Sydenham College of Commerce, Mumbai. Also, affidavit in reply on behalf of Respondent no. 2 is filed by the Joint

Director of Higher Education, Mumbai Region, Mumbai. WE have considered all these affidavits.

7. Learned Counsel Mr U.V Bhosle for the Applicants and learned counsel Mr Lahane for applicant in O.A.No.757/2011 have submitted that the applicants were appointed by selection as Temporary Part Time Lecturer between 1993 to 1996. The applicants were reappointed time to time upto 2003, and thereafter, there was no order of either termination or reappointment. Thus, the applicants continued to work as Temporary Part Time Lecturers for 'Accountancy' in Sydenham College of Commerce and Economics, Mumbai till today. It is submitted that till today the vacancies of Temporary Part Time Lecturers are available. In fact, as per G.R dated 29.6.2010, the vacancies of Temporary Part Time Lecturers were available. The applicants are required to take 11 periods per week of 45 minutes each as per the workload of Circular of Mumbai University. The applicants from time to time demanded that their services should be made Permanent Part Time Lecturer instead of Temporary Part Time Lecturers and they are entitled to regular pay scale equivalent to half of the pay scale applicable to full time Teachers. The Principal of Sydenham College of Commerce and Economics, Mumbai, by letter dated 29.5.2008 to the Director of Higher Education, Maharashtra State, Pune, have put up the grievances of the applicants regarding the pay scale. However, the Government did not respond. The applicants claim that they are also entitled to the scheme.



8. Learned counsel for the applicants Mr Bhosle and Mr Lahane, have relied on number of Government Resolutions so also the relevant portions from the University Grants Commission guidelines and University Notifications/Circulars regarding the appointment, working conditions and pay scale of Lecturers and Part time Lecturers, which we would like to refer to and address while assessing the case of the applicants.

9. Learned counsel for the applicants further submitted that in their appointment orders, the word 'Part Time' is not used but the word 'temporary' is used. Learned counsel for the applicants stated that the Respondents are refusing the entitlement of the applicants in respect of their grade and pay scale only on the ground that their appointments are not through M.P.S.C. Since, last 28 years the Respondents did not attempt to fill up the posts through M.P.S.C. Learned counsel for the applicants submitted that all Temporary Part Time Lecturers in other colleges are paid as per 6<sup>th</sup> Pay Commission. Ismail Yusuf College of Arts, Science and Commerce is run by the Government. However, the Lecturers who are teaching Accountancy in the said College are paid as per the 5<sup>th</sup> & 6<sup>th</sup> Pay Commission. Learned counsel for the applicants submitted that University Grants Commission has created permanent half timeposts and the guidelines of U.G.C dated 24.12.1998 are adopted by the State Government. Learned counsel for the applicant Mr. Lahane, submitted that the Chartered Accountants are exempted from NET-SET examination. He

submitted that applicant in O.A 757/2011 is Post Graduate (M. Com) and also cleared the State Eligibility Test. Learned counsel for the applicant relied on G.R dated 19.9.1975. Further, learned counsel for the applicants have relied on G.R dated 2.3.1994 about continuation and extension of the services of Part Time Lecturers who are appointed temporarily. The said G.R dated 2.3.1994 was issued in view of the decision delivered by the Maharashtra Administrative Tribunal in the Original Application filed by the Part Time Lecturers working in Ismail Yusuf College of Arts, Science and Commerce, Mumbai. The said decision of the Tribunal was not challenged by the State of Maharashtra before the Hon'ble Bombay High Court. The applicants, in the present case are similarly situated. Learned counsel for the applicants have submitted that the applicants moved application under R.T.I and received information from the College and Director of Higher Education in respect of various G.Rs and Circulars.

10. Mr. U.V Bhosle, learned Advocate appearing for the Applicants in O.As.340, 341, 342, 343, 344, 687 and 875/2011 and Mr. S.P Lahane, learned Counsel appearing for the Applicant in O.A 757/2011 have relied on the following judgments :-

1. Sachin Dawale & Ors Vs. State of Maharashtra & Ors, W.P 2047/2010, dated 10.10.2013
2. (2015) 1 SCC 347 (State of Uttar Pradesh and Ors. Vs. Arvind Kumar Srivastava & Ors.).
3. Writ Petition No.2082/2013 & Ors., dated 23.12.2015, Maharashtra Federation of University & College Teachers

Organization & Ors. Versus The State of Maharashtra, through the Principal Secretary, Department of Higher and Technical Education & Ors.

4. Sheo Narain Nagar & Ors. (supra) Versus The State of Uttar Pradesh & Ors., decided on 13.11.2017, (Civil Appeal No.18510 of 2017).

11. Learned Special Counsel Mr. Khandekar along with Ms. Archana B.K, learned P.O for the Respondents opposed this argument and has submitted that these are all temporary posts and the applicants are appointed every year after their term is over. It is submitted that the prayer of regularization made by the applicants cannot be granted when the permanent posts are not available or vacant. Thus, appointments to the said posts should be made through M.P.S.C as there is bar on such selective appointment in view of the ratio laid down in the case of **Umadevi (supra)**. Learned Special Counsel has further submitted that the applicants did not hold the requisite educational qualification as per the University Grants Commission guidelines for the post of Lecturers. They are not Post Graduates in Commence and also not cleared NET/SET. Being Part timers they have no legal right of regularization or any claim over the pay scale as per 5<sup>th</sup>, 6<sup>th</sup> & 7<sup>th</sup> Pay Commission. He relied on the Maharashtra Civil Services (General Conditions of Services) Rules, 1981.

12. Mr. A. Khandekar, learned Special Counsel with Ms. Archana B.K., learned Presenting Officer for the Respondents have relied on the following Hon'ble Supreme Court judgments :-

- (A) Secretary, State of Karnataka & Ors. Versus Umadevi & Ors. reported in (2006) 4 SCC 1.
- (B) Pragati Mahila Samaj & Anr. Versus Arun S/O Laxman Zurmure & Ors, Civil Appeal No.6498 of 2016, decided on 19.07.2016.
- (C) Secretary to Govt. Commercial Taxes and Registration Department, Secretariat & Anr. Versus A. Singamuthu, dated 07.03.2017 (Civil Appeal No.3770 of 2017).

### ASSESSMENT

13. All the facts are admitted by the Respondents in their various affidavits and mentioned above. The dispute is on following points:-

- (A) The Applicants are not holding the requisite educational qualifications as per the University Grants Commission (UGC) norms i.e. post-graduation and clearing the NET/SET examination when they were appointed in the year 1994. They are chartered accountants with bachelor's degree except the applicant in O.A.No.756/2011 who has done the post graduation by securing the degree of M. Com in the year 2002 and so also thereafter has cleared SET examination.
- (B) They cannot be given any permanent postings, because they are not appointed in regular method through M.P.S.C. hence their appointments remained as part timers throughout.
- (C) There is no post of permanent part time lecturer in Sydenham College of Commerce & Economics for the

subject of Accountancy. Thus, the result of these disputed facts that, firstly the applicants cannot be given any permanent post to teach the subject of Accountancy in Sydenham College of Commerce & Economics and secondly, they are not entitled to receive the pay scale of 5<sup>th</sup> and 6<sup>th</sup> Pay Commission.

Thus, while considering grievances of the Applicants we have to go through various Government Resolutions (GRs), UGC Rules, Notifications issued by the State and the policy of the Government.

14. Appointment orders.

First and foremost, let us comment on the appointment letters of the applicants as we have stated above. The appointments of the applicants are by few months here and there, but the contents in the appointment letters and on facts the case of all the applicants are identical. Therefore, we pick up the appointment letter of the applicant in O.A.No.340/2011. The Applicant was appointed by letter dated 22.11.1993 as part time lecturer on temporary basis in the pay scale of Rs.1100-2000/-. Thus, the appointment was not only part time but it was also temporary, however in the appointment order the pay scale upto Rs.1100-2000/- was mentioned, which was the erstwhile pay scale of the lecturers appointed on regular basis. In the appointment letter further certain conditions are stated that the service of the applicant can be terminated without issuing him show cause notice and his appointment is only upto 31.08.1994 (i.e. 9 months approx.). The appointment is made as per the then existing

rules. The letter further states that that the process of filling up the vacant posts for the subject of Accountancy had commenced. The applicant has no right or any claim against this appointment as soon as his service period is over. All the rights regarding appointment, termination or further continuity vest with the Principal of Sydenham College of Commerce & Economics and the Directorate of Higher and Technical Education. His appointment continued by the similar appointment letters further except for the change of the dates in the appointment letter with some innocuous modification in the conditions. Thereafter, the appointment letters were issued from time to time i.e. upto 31.10.2001, but the status of the applicants' was always mentioned as temporary part time and the pay scale was given as Rs.1100-2000/-.

15. In the Appointment order dated 13.06.2002 though it was mentioned that the applicant is part time temporary lecturer, his pay scale was shown as Rs.4000-4750/- which is again the pay scale of the erstwhile lecturers regularly appointed. From 2002, the Principal, Sydenham College of Commerce & Economics did not issue further orders of reappointment or continuity of the services of the Applicants. The Applicants continued to work as part time temporary lecturers as they were in need of job. The Directorate of Higher and Technical Education who supervise the administration of the Sydenham College of Commerce & Economics from 2002 till today did not bother to verify or supervise the status of the lecturers teaching Accountancy as to

who is teaching the subject and whether the appointment order is given to such person. The Applicants have admitted that they continued to come and give lectures without appointment orders as they were in need of job and were paid on monthly basis during this tenure. Since 27 years the Government has not taken steps to appoint the posts of temporary part time through M.P.S.C., but in the appointment letters initially the college has made false statement. The erstwhile Department of Director of Technical Education is vicariously liable for the letters/orders, acts and the decisions taken by the Sydenham College of Commerce & Economics. It is not the case that the Department of Director of Higher and Technical Education could not supervise for one or two years, but it is a recurring ignorance and negligence of the Department. The Principal of Sydenham College of Commerce & Economics neither can be blamed nor can be made a scapegoat because appointment and fixation of pay scale is entirely in the hands of the Government who is the higher supervising authority. The payment of the salary during that period as part time lecturer is also an admitted fact.

16. The applicants have made representations in the year 2005, 2007 and 2009, that their services are to be regularized, they have not received appointment orders since 2003 and there should be rise in their payments. Mr. M.B. Bhide, the Principal of Sydenham College of Commerce & Economics had written letter dated 31.05.2008 to the Directorate of Higher and Technical Education that for 8 teachers

(Applicants) there was no rise in their payment and however there is continuity in their lecturership and therefore they are to be given a higher pay scale.

17. After appointment of 5<sup>th</sup> pay commission under the Chairmanship of Professor Rastogi, the Government has appointed the Committee to examine the structure of pay fixation and conditions of service of University and College teachers. The Rastogi Committee submitted the report to UGC, on that basis the UGC recommended the higher pay scale for the Universities and Colleges. In November, 1998 the Government of India accepted the said recommendations and directed the State Government to implement the scheme in the State Universities and affiliated Colleges. The UGC issued notification in 1998 pertaining to the Revision of pay scales with minimum educational qualifications for appointment of teachers in Universities & Colleges and other measures for the maintenance of Standards. The letter dated 24.12.1998, addressed to the Vice-Chancellors of all the Universities wherein Clause No.12.0.0 is applicable to the part time teachers. The State of Maharashtra pursuant to that issued G.R dated 11.12.1999 wherein clause 12.0.0 of the U.G.C guidelines was reproduced as clause No. 17.

18. Thus, the Government of India and the State Government, both have unanimously taken decision that the part time lecturers should be necessarily only for a short period. The policy adopted by the State is obviously applicable and binding on the State itself. However, the



Department of Directorate of Higher and Technical Education gave a complete goby to the policy of the State Government which is laid down in the G.R. by appointing the temporary part time teachers for a long period of more than 27 years though with break after 9 to 11 months. Thus, it is absurd to consider such periodical breaks in continuous 27 years as a short period.

19. GOVERNMENT RESOLUTIONS :-

(A) The G.R. dated 30.08.1994 is issued by the Government where the pay of the Lecturers / Professors was fixed as per 4<sup>th</sup> pay commission.

(B) The G.R. dated 11.12.1999 is regarding revision of pay scale of the teachers and other measures for maintenance of the standards in Higher and Technical Education in the Government Institution of Science, Management Studies Public Social Science. The Government has approved the implementation of revised pay scale for University and College teachers w.e.f 01.01.1996.

By G.R. dated 11.12.1999 the State Government has decided to implement the revised pay scale and the terms and conditions of the services of the University and the College teachers in higher education. In the said G.R. under clause 'Coverage' only the teachers who retired on or before 31.12.1995 and who got re-employment on that date, including those whose period of re-employment was extended after that date, otherwise

the G.R. covered all the teachers of the Government Universities and the Colleges. The G.R. also mentioned about the requisite qualification with 55% marks at Masters Level and qualification in NET and accredited test for the appointment of Lecturers.

Clause 17 of the G.R. is specifically about the part time Teachers which is a copy of Clause 12.0.0. of U.G.C. guidelines 1998. It would be useful to reproduce paragraph 17 :-

*“17. Part time teachers :*

*The minimum qualifications for appointment of part time teachers should be the same as that of regular teachers and selected by regularly constituted Selection Committees. The part time teachers should be appointed only in exceptional circumstances when it is appropriate to the requirement of the Institutions in terms of subjects to be taught or workload. They can be appointed on a contract appointment, if only for a short period or as permanent half time proportionate time employees against half/ proportionate salary of the scale (and should include proportionate increments, dearness allowance and other permissible benefits.) Such permanent part time teachers will also be entitled to the scheme of career advancement from Lecturer to Senior Scale Lecturer, the Selection Grade Lecturer/ Reader, and Professor. However, they will be entitled to half/ proportionate amount of the basic of the scale and proportional increments, dearness allowance and any other permissible benefits.”*

(C) G.R. dated 13.06.2000 wherein it is mentioned that the minimum requisite qualifications of post graduation with 55% in NET/ SET examination is applicable from 04.04.2000. Thus, the applicants were appointed prior to this G.R. i.e. in the year 1994.

(D) The Applicants relied on the order dated 29.06.2010, the Director of Higher and Technical Education, State of Maharashtra, Pune wherein the table shows the staffing pattern of the Teachers in Sydenham College.

संस्था / महाविद्यालयाचे नाव- सिडनहॅम वाणिज्य व अर्थशास्त्र महाविद्यालय मुंबई (वरिष्ठ विभाग) शासन  
निर्णय क्र.एससीपी-२००९(३४३/०९)/ मशि-१, दिनांक २९/०६/२०१० नुसार मंजूर पद

प्राध्यापक - ०

अधिव्याख्यात - २२ पूर्णवेळ, १० अर्धवेळ

ग्रंथपाल - १

शारीरिक शिक्षण निर्देशक-१

क्र	विषय	अधिव्याख्यात	
		पूर्णवेळ	अर्धवेळ
१	सांख्यिकी	४	०
२	गणित	२	०
३	इंग्रजी	२	०
४	अर्थशास्त्र	५	०
५	वाणिज्य	७	०
६	व्यापारो कायदा	२	०
<b>७</b>	<b>अकाउंटनसो</b>	<b>२</b>	<b>८</b>
८	व्यापारी कायदा	२	२
	एकूण	२२	१०
१	ग्रंथपाल	१	०
२	शशिक्षि	१	०

संस्था / महाविद्यालयाचे नाव- सिडनहॅम वाणिज्य व अर्थशास्त्र महाविद्यालय मुंबई (कनिष्ठ विभाग) शासन  
निर्णय क्र.एससीपी-२००९(३४३/०९)/ मशि-१, दिनांक २९/०६/२०१० नुसार मंजूर पद

अधिव्याख्यात - ०९ पूर्णवेळ, २ अर्धवेळ

शारीरिक शिक्षण निर्देशक-०

क्र	विषय	अधिव्याख्यात	
		पूर्णवेळ	अर्धवेळ
१	गणित	२	०
२	मराठी	०	१
३	इंग्रजी	२	०
४	हिंदी	१	०
५	अर्थशास्त्र	१	०
<b>६</b>	<b>वाणिज्य</b>	<b>३</b>	<b>१</b>
	एकूण	९	२
<b>१</b>	<b>शारीरिक शिक्षण निर्देशक</b>	<b>०</b>	<b>०</b>

Thus, there are 2 full time and 8 part time posts for Senior College. However, it is made clear in the affidavit dated 30.08.2021 filed by Respondent No.1 through the Principal Secretary of the Higher and Technical Education Department, Mumbai that there is no permanent part time post, but only temporary part time posts i.e. 8 posts are available.

(E) The G.R. dated 09.03.2012 regarding continuation of service is issued by the Under Secretary, State of Maharashtra, Higher and Technical Education by which the Government took decision to extend the tenure of temporary posts in all the Government Colleges and Universities.

(F) The G.R. dated 27.06.2013 regarding continuation of service is issued by the District Officer, State of Maharashtra, Higher and Technical Education. In the said G.R. at clause No.12, it is stated that the teachers who have cleared NET/SET examination till April, 2001 are to be given the financial benefit from the date of the compliance and thereafter the teachers who have not cleared the NET/SET examination within the stipulated time they should be appointed on regular basis by following the existing rules and this proposal should have been sent by the University to the UGC and the UGC should have been approved, then he/she is entitled. However, the present applicants are not the regular teachers.

(G) By G.R. dated 10.04.2014 regarding continuation of the service, Government of Maharashtra has extended 94 part time temporary posts in all the Government Colleges under the Department of Director of Higher and Technical Education till 28.02.2015.

(H) The G.R. dated 20.03.2015 regarding continuation of service is issued to continue the G.R.s from 2012 to 2015 till 28.02.2016.

(I) In G.R. dated 26.03.2016 the decision of Hon'ble High Court, Nagpur Bench in Writ Petition No.2046/2010 dated 19.10.2013

(Sachin A. Dhawale & Ors. Versus State of Maharashtra, Principal Secretary Higher and Technical Education, Mantralaya & Anr.) and Writ Petition No.2324/2015 dated 09.03.2015 (Mr. Sukeshini P. Bhopte Versus State of Maharashtra & Ors.) are referred wherein the Hon'ble High Court has directed to regularize the services of the lecturers appointed on contract basis who have completed more than three years service. The present Applicants relied on the list of 14 full time Professors / Lecturers not appointed through M.P.S.C. It was obtained under the RTI from Sydenham College and it is also stated that all these lecturers were given yearly increments. On perusal of the list it is found that all of them have secured requisite degrees after their appointments but prior to 1999, and only 3 of them are of the year 2002, 2003 and 2012, otherwise all before 1999.

(J) By G.R. dated 20.04.2002 those who have secured necessary educational qualification their services were regularized.

(K) The letter dated 18.06.2015 was sent by the Director in the office of Directorate of Higher and Technical Education, Mantralaya, wherein the decision of the Tribunal dated 27.04.2015 of directing to regularize them, is conveyed and in this letter it was opined that the part time lecturer did not hold necessary educational qualification and their appointments are not through M.P.S.C. and therefore i.e. to be challenged before the Hon'ble High Court.

20. The Circular dated 30.11.1984 issued by the Bombay University states that the candidate who holds the degree of the University in any

faculty and who has passed the chartered accountant final examination is qualified to be appointed for the post of Accountancy. As per the 'Engagement in other Business/ Occupation (Regulation 109A)', they are required to teach not exceeding 25 hours a week. Learned counsel for the applicant Mr Lahane, has relied on G.R. dated 08.03.2019 by which the Government decided to continue the services of part time lecturer. This G.R. is regarding continuation in services, issued by Higher and Technical Education of State of Maharashtra, wherein 10 part time lecturers in Mumbai were continued till 30.09.2019.

21. The learned counsel Mr Khandekar for the Respondents has relied on the G.R. dated 18.10.2001 wherein it is stated that the persons who are not holding the requisite qualification of NET/SET and post-graduation are not to be appointed after 04.04.2000 in any of the Colleges or Universities. Mr. Khandekar, further relied on G.R. dated 02.03.1994, State of Maharashtra, Higher and Technical Education wherein it is informed that in view of the decision of the Maharashtra Administrative Tribunal the temporary part time lecturers are continued. Mr. Khandekar also relied on the Notification dated 19.09.1991 issued by Mr. Y.N. Chaturvedi, Secretary of the University Grants Commission (UGC), wherein the Educational qualification of the part time lecturer is specified i.e. 55% minimum marks in the post graduation in masters degree along with NET/SET is required. He further relied on the UGC resolution of March 2000 and

April 2000 wherein minimum qualification is reiterated. He fairly admitted that Public Notice dated 15.11.2021 issued by Secretary, UGC wherein it is said that the C.A./C.S./I.C.W.A. qualification to be equivalent to the post-graduation degree. Thus, present applicants do hold a degree equivalent to the Post Graduation

22. In ***Maharashtra Federation of University & College Teachers Organization & Ors. (supra)*** the Hon'ble High Court decided the relevancy/ importance of National Eligibility Test (NET) / State Eligibility Test (SET) qualification / examination as stated to be necessary and essential qualification for getting appointment and further service benefits and monetary entitlement including the continuity of service. The Bombay High Court has taken a view that those who have not acquired NET/SET test qualification and who are appointed during the period from 24.10.1992 to 03.04.2000 are not entitled for CAS (Career Advancement Scheme) and other related benefits except the benefit including the pay scale and increments and other related benefits, as announced by the State, but no conditions so reproduced. In the said judgment the Government Circular dated 27.06.2013 granting continuity of service and other benefits to non-NET/SET teachers from the date of Resolution subject to condition was upheld. Thus, in the present case also we cannot give any relief as per the CAS. However, the benefits of pay scale as can be given to these part time lecturers.

23. In the judgment of **Umadevi (supra)** it is held that there should not be back door entry in the appointments and every post should be filled up by the regular employment in terms of service Rules. The judgment of **Umadevi (supra)** does not mean that the services are not to be regularized, but there should be appropriate directions by the State to regularize such services which have put in for a long period. In the judgment of **Sheo Narain Nagar (supra)**, the Hon'ble Supreme Court has discussed **Umadevi (supra)** as under :-

*“8. When we consider the prevailing scenario, it is painful to note that the decision in Uma Devi (Supra) has not been properly understood and rather wrongly applied by various State Governments. We have called for the data in the instant case to ensure as to how many employees were working on contract basis or ad-hoc basis or daily-wage basis in different State departments. We can take judicial notice that widely aforesaid practice is being continued. Though this Court has emphasised that incumbents should be appointed on regular basis as per rules but new devise of making appointment on contract basis has been adopted, employment is offered on daily wage basis etc. in exploitative forms. This situation was not envisaged by Uma Devi (supra). The prime intendment of the decision was that the employment process should be by fair means and not by back door entry and in the available pay scale. That spirit of the Uma Devi (supra) has been ignored and conveniently over looked by various State Governments/ authorities. We regretfully make the observation that Uma Devi (supra) has not be implemented in its true spirit and has not been followed in its pith and substance. It is being used only as a tool for not regularizing the services of incumbents. They are being continued in service without payment of due salary for which they are entitled on the basis of Article 14, 16 read with Article 34 (1)(d) of the Constitution of India as if they have no constitutional protection as envisaged in D.S. Nakara v. Union of India, AIR 1983 SC 130 from cradle to grave. In heydays of life they are serving on exploitative terms with no guarantee of livelihood to be continued and in old age they are going to be destituted, there being no provision for pension, retiral benefits etc. There is clear contravention of constitutional provisions and aspiration of down trodden class. They do have equal rights and to make them equals they require protection and cannot be dealt with arbitrarily. The kind of treatment meted out is not only bad*



*but equally unconstitutional and is denial of rights. We have to strike a balance to really implement the ideology of Uma Devi (supra). Thus, the time has come to stop the situation where Uma Devi (supra) can be permitted to be flouted, whereas, this Court has interdicted such employment way back in the year 2006. The employment cannot be on exploitative terms, whereas Uma Devi (supra) laid down that there should not be back door entry and every post should be filled by regular employment, but a new device has been adopted for making appointment on payment of paltry system on contract/adhoc basis or otherwise. This kind of action is not permissible, when we consider the pith and substance of true spirit in Uma Devi (supra). (emphasis placed)*

24. In the case of **State of Karnataka & Ors Vs. M.L Kesari & Ors reported in (2010) 9 SCC 247**, while deciding the issue of regularization of the daily wage workers as typist, Assistant and Watchman etc, the Hon'ble Supreme Court held that the meaning and significance of the term used "one time measure" used in the case of Umadevi (supra) (to be initiated within six months from 10.4.2006 as per Umadevi) does not stop the process of regularization till all the eligible persons who have right to be considered in terms as directed in Umadevi's case (supra)

25. Now let us consider the UGC Notification on revision of pay scale with minimum educational qualifications for appointment of teachers in Universities & Colleges and other measures for the maintenance of Standards, 1998 in the scheme of revision of service conditions of pay scale and appointment. In clause 12.0.0. the service conditions of part time teachers are stated and the same is adopted ditto and reproduced as Clause No.17 in G.R. dated 19.12.1999. It shows that UGC has

recognized the appointment of part time teacher in the education system. The requisite qualification for the appointment of part time teachers is said that it should be the same that of the regular teachers and they are to be selected by the regularly constituted Selection Committees. It further states that the part time teachers should not be the regular phenomenon, but it is an exceptional circumstance and thus the part time teachers should be only for a short period or it should be an arrangement as the post of permanent half time proportionate time employees. Thus in the staffing pattern of Sydenham College 8 posts are shown as permanent part time lecturers. Thus, 8 posts for part time are sanctioned and are to be treated as permanent part time sanctioned posts or half time sanctioned posts. Though in the affidavit dated 17.09.2021 filed by Dr. Sonali V. Rode, Joint Director, Higher Education, Mumbai, we make query as to,

Whether the State Government has approved the sanctioned posts in the subject of Accountancy ?

The answer is, "The State Government has sanctioned 8 temporary posts of part time lecturers in the Sydenham College for the subject of Accountancy which are extended every year."

We find this affidavit is contrary to the staffing pattern and especially Clause 17 of G.R. of 1999. In the staffing pattern of Sydenham College which is produced before us there is no mention as to whether 8 posts are temporary or permanent. However, as per Clause 17 of the G.R. dated 11.12.1999 and UGC of 1998 guidelines

the part time teachers can be appointed only for a short period otherwise they are to be permanent half time or part time. The Government-Respondent in case of the Applicants therefore went on appointing them for years together only for a short period i.e. 10 months to 11 months and after giving break some lecturers continued to work on the same posts. We are of the view that this is neither contemplated under the UGC policy nor under Clause 17 of the G.R. The appointment of part time should be only for the period of short time or as permanent half time.

26. Learned counsel for the applicants Mr Bhosle and Mr Lahand both have heavily relied on the decision of Hon'ble High Court of Judicature at Bombay, Nagpur Bench in **Sachin Dawale & Ors Vs. State of Maharashtra & Ors, W.P 2047/2010, dated 10.10.2013**, on the point of regularization of the services of the applicants and the monetary benefits. In the case of Sachin Dawale, the petitioners were Lecturers in different department of Government Polytechnic in State of Maharashtra. However, they were appointed after following the procedure on issuance of advertisement and conducting interview by duly constituted Selection Committee as per the G.R and therefore, it was held that the appointments of the Petitioners are not back door or illegal. In the said case, the applicants had put in their service as ad hoc Lecturers up to 10 years, but they were not given the permanency. However, their appointments were made after conducting the

interview, after giving the advertisement or by the Selection Committee. The present applicants are not appointed as ad hoc, but they are Part Time Lecturers. There is a difference in Part Time Lecturer and ad hoc or temporary posts. A status of the employee working on ad hc post is higher than the Part Time Lecturer. In Sachin Dawale's case, the service of the Lecturers were regularized from the date of the application, but they were held not entitled to claim any monetary benefits for the past service inspite of their regularization, though the continuity of service was given to them. Thus, if the Respondents want to save money by appointing half time lecturers to teach Accountancy and to teach the said subject no full time lecturer is required, the Respondents have an option to appoint the half time lecturer, but the appointment should be of a permanent nature. The statement made by Dr. Rode in the affidavit dated 17.09.2021 is not correct. We find that in view of the guidelines of UGC and Clause 17 of the G.R. it is the major responsibility of the Respondents to appoint lecturers in that manner. However, it appears that the Government is not serious enough at least in respect of the accountancy subject which is the issue before us. The Government ought to have appointed permanent half time lecturers as per the Rules of the UGC upto the limit that there can be 8 posts. However, it is not done since years together and the applicants went on teaching the subject since 1993-1994. Thus, factually none of the applicants hold NET/SET qualifications except applicant in O.A.No.757/2011 and

may be one more but others do not hold the post graduation degree in Commerce. They all are chartered accountants. As earlier observed by us the State of Maharashtra issued Circular dated 30.11.1984 by which it is informed that the degree in Accountancy i.e. C.A. is to be considered equivalent to post graduation. Needless to say if a person is competent then only he can be appointed and further continued for 25 to 27 years. If at all these applicants were not competent to teach the subject 'Accountancy' for want of NET/SET examination it is the fault of the Respondents that they continued them for such a long period without questioning their competency to teach the subject 'Accountancy'. Though education is an industry it is not a commercial activity but a serious business and a noble profession with sanctity.

27. The Hon'ble Supreme Court in the case of **A. Singamuthu (supra)** has dealt with the issue of regularization of part-time Masalchi who have worked normally 10 years as part time was before the Hon'ble Supreme Court. The Hon'ble Supreme Court has set aside the order of the learned Single Judge of the Tamil Nadu Court of regularizing the services and granting them financial benefits on completion of their 10 years of services. The Original Appellants working as part time Masalchi were appointed through Employment Exchange in the year 1989. The Hon'ble High Court regularised their services after completion of their 10 years of service with arrears from the date of regularization. The Hon'ble Supreme Court while setting aside the said judgment, held that the High Court erred in regularising

the services of the Original Appellants and erred in ignoring the basic fact that the Appellants are the part time workers and the Government order dated 28.02.2006 issued by the State of Tamil Nadu was applicable to the services of full time daily wages employees working in the Government Department. Thus, the Hon'ble Supreme Court unequivocally has held that the part time workers were entitled neither the benefit of regularisation after completion of 10 years nor any pecuniary benefits including the arrears. The ratio laid down in the case of **A. Singamuthu (supra)** is helpful and applicable to the present case only to the extent that the present applicants are also part time lecturers right from their inception. However, in the present case the services of the applicants are controlled and regulated by the U.G.C guidelines 1998 and G.Rs issued by State of Maharashtra time to time.

28. It is necessary to mention one relevant point. Respondents have admitted that Ismail Yusuf College Arts, Science and Commerce, multi-faculty college have employed the part time lecturers to teach Accountancy. However, those lecturers who are similarly situated like the present applicants have filed T.A. 150/1991 (W.P 157/1991) for pecuniary benefits as per the 5<sup>th</sup> pay commission and by order dated 12.10.1993, they are held entitled to get such benefits. The Respondents did not challenge the order before the Hon'ble High Court, but the part time lecturers in Ismail Yusuf College, teaching Accountancy were paid as per the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> pay commission.

Respondents have no answer for this except Mr. Khandekar, the learned Counsel has submitted that the said order was not challenged and therefore the Respondent-Government is paying them. Thus, there is disparity in the treatment given to the lecturers of Ismail Yusuf College Arts, Science and Commerce and Sydenham College of Commerce and Economics, though they were similarly situated as the present Applicants]. It would be apposite to refer the Judgment of Hon'ble Supreme Court in **Arvind Kumar Srivastava & Ors. (supra)** wherein the Hon'ble Supreme Court laid down the following legal principles for similarly situated employees.

*“The moot question that requires determination is as to whether the approach of the Tribunal and the High Court was correct in extending the benefit of earlier judgment of the Tribunal, which had attained finality as it was affirmed till the Supreme Court. The legal principles that can be culled out from the judgments cited both by the appellants as well as the respondents, can be summed up as under :*

*(i) Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.*

*(ii) However, this principle is subject to well recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment*

*rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.*

*(iii) However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated person. Such a situation can occur when the subject matter of the decision touches upon the policy matters, like scheme of regularisation and the like (see K.C. Sharma & Ors. v. Union of India(supra). On the other hand, if the judgment of the Court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.”*

29. Though these cases apparently look similar to the Applicants, who are Lecturer of Accountancy in Sydenham College after close scrutiny and on the background of the ratio laid down in Arvind Kumar Srivastava's case (supra) wherein exceptions are carved out the present case falls in exception. Similarly situated persons are to be treated alike otherwise it would amount to discrimination and would be violative of Article 14 of the Constitution of India and in the case of service jurisprudence, the principles to be followed more emphatically. However, where there is a delay and laches the case is distinguishable. In the present case, there is no delay or laches. However, the judgments in the case of Gogri was not tested either before the Hon'ble High Court or the Hon'ble Supreme Court. Thus the said judgments



are not confirmed by the Hon'ble High Court or Hon'ble Supreme Court. Similarly, the judgments are not in rem with intention to give benefits to all similarly situated persons whether they approached the Court or not. Further no U.G.C guidelines were in existence in 1993, when the Original Application was filed. It is not the case in the present matter as the present Original Applications are filed in 2011.

30. In the judgment of ***Pragati Mahila Samaj & Anr. (supra)***, the appellants are working in the Educational Institute run by the Pragati Mahila Samaj. They were working like the present applicants and the Institution issued the order of termination in March, 1998 which is challenged before the College Tribunal. Thereafter they filed Writ Petition No.2374 of 1999 before the High Court of Judicature at Bombay Bench at Nagpur on the ground that those Applicants are appointed by selection and have worked for longer time and therefore their termination was bad in law. The High Court, Nagpur Bench by order dated 01.08.2014 directed the concerned authorities to reinstate the original applicants Mr. Arun & Ors. on the post of lecturer but without payment of back wages to them. The Hon'ble Supreme Court set aside the order of the High Court on which earlier this Tribunal had completely relied while allowing the case of the present Applicants. The Hon'ble Supreme Court referred to Section 5 of the Maharashtra Employees of Private Schools (Conditions) of Service) Regulation Act, 1977 (MEPS) as their services are covered under the said Act. The

Hon'ble Supreme Court held that the permanent appointment of the appellants was governed under sub-sections (1) and (2) of Section 5 of the said Act so the procedure is to be followed as prescribed in Section 5 of the said Act. The present applicants are not governed by the MEPS Act but their services are controlled under the guidelines of 1998 by the UGC. The Hon'ble Supreme Court in the said Judgment has relied on the ratio laid in the case of **Hindustan Education Society & Anr. Vs. SK. Kaleem SK. Gulam Nabi & Ors. reported in (1997) 5 SCC 152**. The Hon'ble Supreme Court specifically has answered the issue that the High Court has not taken the note of the MEPS & held as follows:-

*We also do not find any material to hold that the initial appointment of respondent No.1 was against the permanent vacancy and that he was appointed permanently by the Management by following the procedure prescribed under sub-sections (1) and (2) of Section 5 of the Act.*

*29. In our view, when the rights of the parties are governed by the Act, then it is necessary for the Court in the first instance to decide the rights in the light of the mandate of the provisions of the Act. The respondent No.1 neither challenged the constitutional validity of the Act and nor challenged the termination on the ground of mala fides attributable against any particular authority. The respondent No. 1 was also not able to point out any arbitrariness in the impugned action to enable the High Court to invoke Article 14 of the Constitution for quashing the termination order. In these circumstances, we are of the view that there was no justification for the High Court to hold that the respondent No. 1 was appointed on permanent basis and that termination order was bad in law.*

31. Thus, we have to examine the case of the applicants on the background of U.G.C guidelines of 1998 and the G.R of 1999 only. The applicants were given the pay scale in the year 1993 of Rs. 1100-

2000/- which is half the pay scale of regular Full Time Lecturers in the Sydneham College, who were working in the year 1993. It was a correct decision consistent with the directions of the U.G.C.

32. Similarly, in the year 2003, the pay scale was shown as Rs. 4000/-, which is half the pay scale of Full Time Regular Lecturers. Clause 12 of the U.G.C guidelines of 1998 directions were given that Part Time Lecturers are to be appointed for a short period or permanent half Time Proportionate to time employees against half proportionate salary of the scale (and should include proportionate increments, D.A and other benefits). These guidelines though adopted, the G.R of 1999 in clause no.17 are not at all followed by the Department of Higher and Technical Education. Needless to say that any person who is working on a particular post is to be paid equivalent to the work he has done or the service rendered by him. If the pay scale of Full Time Lecturers is decided by the State Government, then it cannot be withheld or reduced in any manner, unless the policy is changed. When a person has assured employment, it gives mental stability and peace to work more. It appears that the State by not appointing Lecturers in the Educational Institutions or by not giving them appropriate salary, compelling Lecturers to work on less salary than the salary they are entitled to. We made query to the Respondents whether the Respondents have sent requisition to the M.P.S.C. for filling up the posts of permanent part time lecturers as

per the UGC guideline or staffing pattern of Sydenham College of Commerce and Economics. The answer is negative. Thus, we are of the view that in order to save public money the Respondent-State does not want to appoint permanent lecturers through M.P.S.C, which is the need of the college. In fact the education is a public cause and a future investment by the State in next generation. Inaction of the State to lessen the burden on public exchequer can never be justified when the expenditure is for the public cause itself. The Government is saving public money. Spending adequate money on education is not at all a burden on the public exchequer, especially when the State is not a feudal, but a progressive and welfare State.

33. The case of the applicants though not covered fully is closer to the applicants in **Sachin Dawale's** case decided by the Hon'ble Bombay High Court, Nagpur Bench, as they were also Lecturers in Educational Institute and had put in more than 10 years' service. However, present applicants stand somewhat on different footing because they are Chartered Accountants by Profession. Thus, they are working in the College as Part Time Lecturers and not ad hoc Lecturers & they are also practicing their own Profession as Chartered Accountants. Thus, after considering the ratio laid down in all these cases, discussed above, we are of the view that these applicants cannot be regularized as they do not hold the educational qualifications prescribed under the U.G.C guidelines or the various G.R issued by the State of Maharashtra discussed above. The

applicant Mr Kukreja in O.A 755/2011 is the only one who holds Post Graduation, i.e. M.Com and also has cleared State Eligibility Test, so, his case can be considered on a better footing.

34. Thus, we pass the following order:-

- (A) Applications are partly allowed.
- (B) The services of the applicants cannot be regularized for the reasons discussed above.
- (C) The applicants will not be entitled to any pensionary or pecuniary benefits including annual increments.
- (D) We direct the Respondents to continue the services of the applicants till they attain the age of retirement as per rules or till the regular appointment of Full Time or Permanent Part Time Lecturers in Accountancy through MPSC is made, whichever is earlier.
- (E) Pay of the applicants is to be fixed as per clause 17 of the G.R dated 11.12.1999 / clause 12.0.0 of the U.G.C guidelines of 1998, i.e. entitled to half of the pay of Full Time Lecturers or proportionate to the workload. Hence they are entitled to get the salary as per the 6<sup>th</sup> & 7<sup>th</sup> Pay Commission which is proportionate to the workload compared with the Full Time Lecturers from 1.5.2015 (as the judgment of M.A.T declared on 27.4.2015). The applicants are entitled to the arrears accordingly.

- (F) However, applicants are not entitled to other pecuniary benefits.
- (G) The service of the applicant in O.A 757/2011 is regularized from 1.5.2015, and he is entitled to all the pecuniary benefits from the date of the regularization.

**Sd/-**  
**(Medha Gadgil)**  
**Member (A)**

**Sd/-**  
**(Mridula Bhatkar, J.)**  
**Chairperson**

**Place : Mumbai**  
**Date : 20.10.2021**  
**Dictation taken by : A.K. Nair.**