

Filed on - 29/11/2019  
 Order reserved on 30/01/2021.  
 Order pronounced/ 20/02/2021.  
 issued on -  
 Duration-- 1 Year, 2 Months, 21 Days.



**Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur  
 BEFORE THE GRIEVANCES COMMITTEE.**

(Presided over by Shri. Arvind J. Rohee, former District Judge.)

**Grievance Petition No. 01/2020**

**Applicant :** Dr. Ravishankar Dashrath Raut,  
**Grievance** Snehal Nagar,  
**Petitioner** Near Water Tank, Wardha,

**- VERSUS -**

**Non-Applicant:** 1. Joint Director of Higher Education,  
 Nagpur Division, Nagpur.  
 2. Director of Higher Education, Pune  
 3. Shiksha Mandal, Wardha  
 Through its Chairman,  
 Office at Jamnalal Bajaj Marg,  
 Civil Lines, Wardha.  
 4. Principal,  
 J.B. College of Science, Wardha.

**ORDER**

(Delivered on 20/02/2021)

1. The Applicant approached this forum under section 79 (1) of the Maharashtra Public Universities Act 2016, seeking the following relief:-

1. Allow the present grievance and hereby direct the respondent No. 3 & 4 to grant promotion to the appellant 30.7.2010 (Annexure-III) and Direction No. 1 of 2012 issued by the University (Annexure-X) in the interest of justice.

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- II. Grant any other relief which this Hon'ble Committee may deem just and fit in the facts and circumstances of the present case.

2. The Applicant qualified M.Sc. Ph.D. in Chemistry subject and he was appointed as Lecturer under Non-Applicant No. 2 in the college run by Non-Applicant No. 1 vide appointment order dated 28.08.1986 (Annexure-2). His appointment is duly approved by the University. Subsequently in the year 1991 the senior grade, and in the year 1997, selection grade was conferred on the Applicant as per the then existing rules. Further on 1.1.2006 the Applicant was promoted as Associate Professor as per UGC norms and regulations and since then he is working on the said post.

3. After 6<sup>th</sup> Central Pay commission is made applicable by the UGC and State of Maharashtra, Govt. Resolution dated 30.7.2010 for conversion of 10% of the sanctioned posts of Associate Professor to that of the Professors in the degree colleges affiliated to Non-Agricultural Universities (Annexure-3) was issued. It is also directed that one post of Professor shall be filled up from amongst the senior most Associate Professor holding Ph.D. in the relevant subject and had completed 3 years of service in the cadre of Associate Professor in the grade pay of Rs. 9000/-. The Applicant fulfilled the aforesaid criteria and he is the senior most Associate Professor in the Department of Chemistry. He is, therefore, eligible for promotion to the post of Professor in the said Department. It is stated that the aforesaid G.R. cast a duty on the


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college to take appropriate steps to fill up the post of Professor by promotion.

4. In pursuance of the aforesaid Govt. Resolution dated 30.7.2010 and consequent notification dated 26.10.2010 (Annexure-5), the Govt. of Maharashtra in Higher & Technical Education Department issued clarification that number of posts shall be fixed and the concerned colleges shall be informed immediately for taking necessary action.

5. It is stated that on 25.2.2011, the Joint Director, Higher Education, Nagpur Division, Nagpur informed the Director of Higher Education, Pune that the concerned colleges and Universities have been informed to take action as per notification dated 26.10.2010(Annexure-5) and submit the report. The said communication is (Annexure-6).

6. Further on 7.9.2011 the Govt. of Maharashtra issued resolution prescribing guidelines for implementation of Govt. Resolution dated 30.7.2010 (Annexure-3) and to make the necessary appointments on the promotional post of Professor from amongst the eligible Associate Professors as per the aforesaid G.R.

7. In pursuance of the G.R. dated 30.7.2010, P.T.M. Nagpur University issued Directive No. 1 of 2012 to fill up vacant posts of Professors by promotion / direct recruitment. The Applicant is
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eligible for appointment on the promotion post of Professor w.e.f. 1.1.2009. However, since no steps were taken by the Non-Applicants, he submitted representations dated 23.10.2015, 17.10.2016, 10.1.2017, 22.3.2017, 24.3.2017, 31.3.2017 and 29.4.2017 (Annexure-11 to 17) to the Non-Applicants and various authorities including University and Govt. level. Since no action was taken, the Applicant approached the Hon'ble High Court of Bombay, Bench at Nagpur in Writ Petition No. 8381 of 2019 (Annexure-18) seeking directions to the Non-Applicants therein to grant promotion to the Applicant in the Department of Chemistry from 1.1.2009. However, vide order dated 25.11.2019 the said Writ Petition was withdrawn with liberty to approach this Grievances Committee. Thereafter the present Grievance Petition is filed before this forum on 29.11.2019.

8. The Grievance Committee after perusal of the record issued notices to the Non-Applicants No. 3 & 4 only calling upon them to file reply to the Grievance Petition. However, the Non-Applicants have simply produced on record copy of letter dated 27/07/2012 issued by them to the Deputy Registrar (College Section), RTM Nagpur University, Nagpur, seeking no objection certificate-cum-permission to fill up one post of Professor by direct recruitment and 2 posts by promotion. It is stated that thereafter no communication is received from the University.


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9. The members of the Grievance Committee present have heard the Applicant and Dr. V.J. Sharma Assistant Professor of the College on behalf of the Non-Applicant No. 3 and 4 on 27.2.2020. Thereafter, the matter could not be taken up on account of lockdown declared by Central Govt. due to Corona Epidemic. It was then taken up on 27.11.2020.

10. The Deputy Registrar (College Development Section) is called upon to remain present before the Grievances Committee along with relevant record to clarify the position regarding steps taken in pursuance of the letter dated 27.7.2012. Accordingly, Dr. Raman Madne, Deputy Registrar (College Development Section) RTM Nagpur University, Nagpur appeared along with relevant original record on 30.1.2021. He was heard.

11. The Applicant was then also present and he stated that his interview for promotion post of Professor was held on 04.01.2021 and decision is awaited. The Non-Applicants No. 3 and 4, however, remained absent. On the request made by the Grievance Committee Dr. Raman Madne, Deputy Registrar (College Development Section) submitted a brief note on the basis of the record regarding the progress made in the matter and thereby clarifying the position. The same is taken on record.

12. The members of the Grievance Committee present have carefully gone through the entire case record and note



submitted by Deputy Registrar (College Development Section) and have given thoughtful consideration to the submissions made by the Applicant on the basis of the various documents produced on record.

13. The only point that rises for consideration of the Grievance Committee is whether the Applicant is entitled to the reliefs sought. We record our finding in the negative for the following reasons.

### **REASONS**

14. The record shows that so far as the initial appointment of the Applicant as Lecturer and present appointment as Associate Professor is not disputed. It is also not disputed that the college in which the Applicant is presently serving receives grant-in-aid from the Government. It is also not disputed that the Applicant is Ph.D. holder and as completed more than 15 years of service as lecturer and more than 3 years in the cadre of Associate Professor. Hence, as per rules, he is duly eligible and qualified for the promotion post of Professor.

15. It is obvious from record that in 6<sup>th</sup> Pay Commission, provisions were made for appointment of Professor from the feeder cadre of Associate Professor under CAS (Career Advancement Scheme). However, there was a limit of 10% of the total post of Associate Professor and further 75% thereof to



प्रति,  
मा. अध्यक्ष,  
तक्रार निवारण समिती,  
राष्ट्रसंत तुकडोजी महाराज नागपूर विद्यापीठ,  
नागपूर.


विषय — डॉ. आर. डी. राउत यांच्या तक्रार निवारण समोरील याचिके संबंधात.

महोदय,

आपणास कळविण्यात येते की, विद्यापीठ अनुदान आयोगाद्वारे दिनांक ३० जून, २०१० रोजी निर्गमित केलेल्या शिक्षकांच्या नियुक्ती व पदोन्नतीकरीता शैक्षणिक पात्रता संदर्भात निर्गमित केलेल्या नियमावली राज्य शासनाद्वारे दिनांक १५ फेब्रुवारी, २०११ च्या शासन निर्णयानुसार मंजूरी प्रदान केली होती. त्यानुसार संलग्नीत महाविद्यालयातील सहयोगी प्राध्यापकांच्या एकूण मंजूर पदांच्या १० टक्के पदे प्रोफेसर म्हणून अंतर्गत परिपत्रकाद्वारे भरण्याची तरतूद केली होती. त्यानुसार सदर प्रक्रीयेकरिता विद्यापीठाद्वारे निदेश क्र. १/२०१२ निर्गमित केला होता परंतु, सदर निदेशामध्ये एका पदाकरिता एकापेक्षा जास्त अर्ज प्राप्त झाल्यास आणि वेगवेगळ्या विषयाचे अर्ज प्राप्त झाल्यास नेमका कोणता प्रस्ताव विद्यापीठाकडे निवड समिती गठीत करण्याकरिता अग्रेषित करावा याबाबत स्पष्टता नसल्याने किंवा प्राचार्याने आलेल्या सर्व विषयाच्या अर्जाकरिता निवड समिती मागीतल्यास कोणाला समिती द्यावी याबाबत स्पष्टता नव्हती, त्यामुळे सदर बाब विभागाद्वारे विद्वत् परिषदेच्या निदर्शनास आणून दिली होती. त्यावर विद्वत् परिषदेद्वारे विद्वत् परिषद सदस्य डॉ. बबनराव तायवाडे यांच्या अध्यक्षतेखाली समितीचे गठन करून योग्य त्या दुरुस्त्या करण्यास्तव समितीला सूचविण्यात आले होते. परंतु, सदर समितीने कोणताही अहवाल सादर केलेला नाही.

त्यानंतर दिनांक ८ जानेवारी, २०१९ रोजी संपन्न झालेल्या विद्या परिषदेस डॉ. इंद्रजित ओरके यांनी प्राध्यापक पदावर कॅस अंतर्गत नियुक्त्याबाबत प्रस्ताव ठेवलेला होता, त्यावर डॉ. सुरेखा काळकर यांच्या अध्यक्षतेखाली पाच सदस्यीय समिती गठीत करण्यात आली होती. सदर समितीने सादर केलेल्या अहवालात देखील निदेश क्र. १/२०१२ मध्ये एकापेक्षा जास्त अर्ज आल्यास कोणता अर्ज विद्यापीठाकडे अग्रेषित करावा याची स्पष्टता नसल्याचे नमूद केले व दरम्यान दिनांक ८ मार्च, २०१९ रोजीच्या शासन निर्णयामध्ये संलग्नीत महाविद्यालयातील शिक्षकांच्या कॅस अंतर्गत प्रोफेसर पदावर पदोन्नती देण्याची तरतूद करण्यात आली, त्यामुळे पूर्वीच्या शासन निर्णयानुसार प्रोफेसर पदाच्या नियुक्ती संदर्भात असलेल्या अडचणीचे निराकरण झाले असल्यामुळे सदर समितीने कोणतीही उपाययोजना करण्याची गरज नसल्याचे नमूद केले. तरी देखील शासन निर्णय ८ मार्च २०१९ मधील तरतूदीनुसार प्रोफेसर पदाकरिता पात्र शिक्षकांचे प्रस्ताव विद्यापीठाकडे पाठविण्याकरिता महाविद्यालयांना पत्र पाठवून अहवाल सादर केला. सदर अहवाल दिनांक १३ नोव्हेंबर २०१९ रोजी लवकरच अन्वये विद्या परिषदेसमोर सादर केला. विद्या परिषदेने सदर अहवालाला मान्यता प्रदान केली आहे. विद्या परिषदेच्या निर्णयानुसार दिनांक ३ डिसेंबर २०१९ रोजीच्या पत्रान्वये सर्व संलग्नीत महाविद्यालयाला पत्र पाठवून प्रोफेसर पदाकरिता कॅस अंतर्गत शिक्षकांचे प्रस्ताव सादर करण्यास कळविण्यात आले आहे. सोबत पत्राची प्रत, डॉ. काळकर समितीचा अहवाल व विद्या परिषदेच्या कार्यवृत्ताची प्रत सोबत जोडली आहे.

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Dr. Raman Madhukar  
Deputy Registrar (In-charge)  
(College Development Section)  
Rajawade Sanshodhan Mandal  
Nagpur University, Nagpur

be filled up by way of promotion and remaining 25% by direct recruitment. Obviously the Applicant's case comes under first category of promotion.

16. The record further shows that as a step towards implementation of 6<sup>th</sup> Pay Commission, Govt. of Maharashtra in Higher & Technical Education Department issued resolution dated 12.08.2009. The Non-Applicant No. 4 college being affiliated to the RTM Nagpur University, it was governed by the said resolution. On its basis Nagpur University issued Direction No. 1 of 2012 for making promotion under CAS to the post of Professor. However, it is clear that while implementing the provisions of the aforesaid G.R. and the Direction No. 1 of 2012, many difficulties crop-up mainly in the event for filling one post by promotion, if more applications are received for different subjects/department for grant of promotion, which proposal should be forwarded to the University for constitution of the Selection Committee. Further, in the event the Principal of any college makes a request for constitution of Selection Committee for all the subjects, for which subject approval should be granted. It was not made clear in the G.R. and the Direction, and hence there was ambiguity in the provisions which need clarification.

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17.

Hence, this issue was taken up by the University before the Academic Council. From the detailed note submitted by Dr. Raman Madne Deputy Registrar (College Development Section) RTM Nagpur University, Nagpur, it is revealed that attempts were made for establishment of committees to suggest clarification in Direction No. 1 of 2012. However, till 7<sup>th</sup> Pay Commission is made applicable w.e.f. 01.01.2016, no decision could be taken regarding the steps to be taken in the event, the above difficulties crop-up nor any clarification was issued by the University. The position regarding promotion under CAS has been totally changed after implementation of 7<sup>th</sup> Pay Commission in pursuance of the Govt. of India, Ministry of Human Resources Development, Department of Higher Education dated 02.11.2017, UGC Notification dated 18.07.2018 and Govt. of Maharashtra Resolution dated 08.03.2019, by which it is made clear that all the Associate Professors who were eligible for promotion under CAS should be considered. This follows that the subject-wise barrier or only one post of Professor should be filled up under 10% quota of Associate Professors has been removed. For the purposes of convenience and ready reference, the note submitted by Dr. Raman Madne is enclosed in this order, which removes all the doubts. It reads as under-



18.

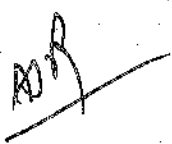
From the above discussion, it is obvious that till 7<sup>th</sup> Pay Commission is made applicable, final decision to remove the ambiguity by way of clarification in the Direction No. 1 of 2012 is not taken and on implementation of 7<sup>th</sup> Pay Commission w.e.f. 01.01.2016 the difficulties faced by various educational institutions did not sustain. The record further shows that the Committee constituted by the University in such peculiar scenario did not submit its report, since it was not necessary on implementation of 7<sup>th</sup> Pay Commission to do so, it is stated. This being so, subsequently all the colleges affiliated to the University, by a letter dated 03.12.2019 were called upon to submit proposals of all eligible teachers for the post of Professor under CAS. The said process is going on.

19.

It appears that in pursuance of the aforesaid letter dated 03.12.2019, Non-Applicant No.4 college submitted a proposal and as stated by the Applicant his interview was also held on 04.01.2021 for the promotion post of Professor under CAS and the orders in this behalf are awaited. He has also stated that he is due for retirement on superannuation in this month.

20.

In view of above, it is obvious that the relief sought by the Applicant cannot be granted to him, since it will not be appropriate to do so in the changed scenario. The record further shows that during the period of 6<sup>th</sup> Pay Commission beside issuing a letter dated 27.07.2012, the Non-Applicant No.



4 did not take any steps nor pursue the said communication. Further it has been rightly pointed out by Dr. Raman Madne that on the aforesaid letter, the Non-Applicant No. 4 has simply asked No Objection Certificate cum Permission to fill up two posts of Professor by promotion and no detailed proposal is forwarded to the University in this behalf. He further stated that no objection as sought must have been granted by the University. However, no further steps appears to have been taken by the Non-Applicant No. 4. Even if it is stated that some steps were taken, they are always subject to the decision taken by the University to refer this matter to the Academic Council for issuance of clarification in respect of the Direction No. 1 of 2012 as stated earlier, which situation did not arise since in the meantime 7<sup>th</sup> Pay Commission was made applicable.

21.

Looking to the facts of the case through any angle, it is obvious that the reliefs sought cannot be granted to the Applicant, may be due to administrative delay on the part of the University in finalising the issue regarding issuance of clarification on Direction No. 1 of 2012 in the matter of promotion of Associate Professor to the post of Professor under CAS. Although the Applicant cannot be blamed for the delay, there may be number of such Associate Professors working in different affiliated colleges under Nagpur University, who are the sufferers. The college is equally responsible for not taking any steps after communication dated 27-7-2012. However, he will

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get the benefit in the event he is promoted in pursuance of interview held on 04.01.2021. In any case the Grievance Petition cannot be favourably considered by this forum.

22. It is, therefore, obvious that no relief can be granted to Applicant as sought. The Grievance Petition is, therefore, rejected, however, with no order as to costs.

23. The office is directed to forward the authenticate photo copy of this order to both the parties at the earliest.

Nagpur.

Dated: 20-02-2021.



(Arvind J. Rohee)

Chairman, Grievances Committee,  
RTM Nagpur University, Nagpur.