

**(2025) 08 SC CK 0174**

**In the Supreme Court Of India**

**Case No :** Civil Appeal No. 11028 Of 2025 Arising Out Of Special Leave To Appeal (Civil) No. 1347 Of 2024 With Civil Appeal No(S). Of 2025 Arising Out Of Special Leave To Appeal (Civil)No. 6523 Of 2024 With Civil Appeal No(S). Of 2025 Arising Out Of Special Leave To Appeal (Civil)No. Of 2025 @ Diary No. 26736 Of 2024 With Civil Appeal No(S). Of 2025 Arising Out Of Special Leave To Appeal (Civil)No. Of 2025 @ Diary No. 26794 Of 2024 With Civil Appeal No(S). Of 2025 Arising Out Of Special Leave To Appeal (Civil)No. Of 2025 @ Diary No. 26843 Of 2024

Shah Samir Bharatbhai & Ors

APPELLANT

Vs

State Of Gujarat & Ors

RESPONDENT

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**Date of Decision :** 22-08-2025

**Acts Referred:**

**Citation :** (2025) 08 SC CK 0174

**Hon'ble Judges :** Pamidighantam Sri Narasimha, J;Joymalya Bagchi, J

**Bench :** Division Bench

**Advocate :** Balbir Singh, Swati Ghildiyal, Devyani Bhatt, Neha Singh, Naman Tandon, Alakh Alok Srivastava, Nikhil Goel, Pradhuman Gohil, Taruna Singh Gohil, Alapati Sahithya Krishna, Hetvi K. Patel, Rushabh N. Kapadia, Hetvi Ketan Patel, Taniya Bansal, Siddhi Gupta, Riddhi Jain, Colin Gonsalves, Abhishek Yadav, Ullas Gohil, Prakhar Srivastava, Abhay Malik, Preeti Gupta, Balbir Singh, Swati Ghildiyal, Devyani Bhatt, Neha Singh, Naman Tandon

**Final Decision :** Allowed

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**Judgement**

Pamidighantam Sri Narasimha, J

1. Delay condoned. Leave granted.

2. These clutch of appeals stem from two judgments delivered by the Division Bench of the High Court of Gujarat. In the first judgment 'R/Letters Patent Appeal No. 1159 of 2017 dated 14.02.2023, in R/MCA No. 721 of 2024 dated 22.03.2024', State of Gujarat & Anr. v. Gohel Vishal Chhaganbhai & Ors. State's Letter Patent Appeals against orders of the single Judge granting the minimum

scale of Assistant Professors to the respondents contractually appointed as Assistant Professors was dismissed. The State is before us in the first set of Civil Appeals. The second set of Civil Appeals pertain to some of the subsequently appointed contractual Assistant Professors, whose writ petitions were allowed by the single Judge granting complete parity with similarly placed Assistant Professors. The Division Bench, in State's Letter Patent Appeals went to the other extreme of allowing the appeals and dismissing the writ petitions altogether. Thus, the contractually appointed Assistant Professors are before us.

3. While applying the principles of equal pay for equal work and confirming the directions of the Division Bench to pay a minimum of the pay scale of Assistant Professors to the respondents, we have dismissed the State's appeals. Applying the same principles, we have allowed the Civil Appeals filed by similarly placed contractually appointed Assistant Professors and directed that they shall be paid minimum of the scale payable to Assistant Professors.

4. Academicians, lecturers and professors are the intellectual backbone of any nation, as they dedicate their lives to shaping the minds and character of future generations. Their work goes far beyond delivering lessons-it involves mentoring, guiding research, nurturing critical thinking, and instilling values that contribute to the progress of society. However, in many contexts, the compensation and recognition extended to them do not truly reflect the significance of their contribution. When educators are not treated with dignity or offered respectable emoluments, it diminishes the value a country places on knowledge and undermines the motivation of those entrusted with building its intellectual capital. By ensuring fair remuneration and dignified treatment, we affirm the importance of their role and reinforce the nation's commitment to quality education, innovation, and a brighter future for its youth.

5. It is just not enough to keep reciting gurubramha gururvishnu gurdevo maheshwarah "गुरुर्ब्रह्मा गुरुर्विष्णुः गुरुर्देवो महेश्वरः। गुरुरेव परंब्रह्म तस्मै श्रीगुरुवे नमः॥" at public functions. If we believe in this declaration, it must be reflected in the way the nation treats its teachers.

6. We will first be dealing with the appeals filed by the State against the judgment of the Division Bench dated 14.02.2023, thereafter, we will take up the appeals filed by the contractually appointed Assistant Professors.

Re: Appeals Preferred by State of Gujarat - In State of Gujarat & Anr. v. Gohel Vishal Chhaganbhai & Ors. This decision will also dispose of Civil Appeals arising out of SLP (C) (Diary No.)-26736/2024, SLP (C) (Diary No.)- 26794/2024 and SLP (C) (Diary No.)- 26843/2024.

7. We have a serious concern about the way we treat our teachers. They educate our future generations, enable them to acquire the necessary qualifications and expertise. The respondents have been teaching in various Government Engineering Colleges and other Institutions of the State of Gujarat. The All-India

Council for Technical Education has declared that these lecturers must be redesignated as Assistant Professors. Their story, to the extent that it is relevant for disposal of these appeals is as follows: -

8. The State of Gujarat submits that a significant number of posts in Government Engineering and Polytechnic Colleges remained vacant for a long period, with some positions reportedly unfilled for over 20 years. It is stated that through a resolution in 2008, a decision was taken to appoint Assistant Professors on ad hoc basis, and this decision led to a large number of Assistant Professors being appointed on an ad hoc basis. In the same year, when AICTE sanctioned additional seats, the Government passed yet another resolution on 12.09.2008 sanctioning 156 posts of lecturers and it was then decided that the said posts must be filled on a contractual basis. Therefore, an advertisement was issued in September 2009 and it was notified that selection will be based on merit, confining to those who had obtained first division in the qualifying examination.

9. The respondents were appointed on contractual basis as Assistant Professors in various Governmental Engineering and Polytechnic Colleges of the State. In these appeals, we are concerned about their claim for parity in pay with Assistant Professors who are performing identical duties and functions.

10. Judicial scrutiny commenced with the filing of writ petitions, way back in 2015 by two sets of Assistant Professors. Those who were appointed on an ad hoc basis and those who are appointed on a contractual basis, like that of the respondents.

11. Assistant Professors appointed on an ad hoc basis sought parity of pay with those who were similarly appointed on ad hoc basis prior to 08.05.2008. They contended that ad hoc Lecturers appointed prior to 08.05.2008 were getting large number of benefits, with approximate parity with regularly appointed Assistant Professors and there was no justification to create a sub-classification within ad hoc Assistant Professors, on the basis of those appointed before 08.05.2008 and those after. These cases were decided in the Division Bench judgment in Acharya Madhavi Bhavin & Ors v. State of Gujarat.

12. The other set of writ petitions were instituted by respondents who were appointed on a contractual basis. Their cases are decided in the Division Bench judgment in State of Gujarat v. Gohel Vishal Chhaganbhai.

13. Decision in both the Division Bench judgments originates from the decision of learned single Judge of the High Court who gave a common hearing for the ad hoc Assistant Professors as well as the contractual Assistant Professors. By his judgment dated 07.09.2016, the single Judge partly allowed the prayer of ad hoc Assistant Professors and directed that they shall have parity of pay with ad hoc Lecturers appointed before 20.05.2008. Insofar as the Assistant Professors, appointed on contractual basis are concerned, there was a direction that they will be entitled to a minimum of the pay scale of Assistant Professors. In both cases, the single Judge restricted the consequent arrears from the year 2015. The

relevant part of the judgment is as under:

"6. It also appears that some of the writ applicants have been appointed on contractual basis i.e., on the fixed pay of Rs 25,000/- so far as Diploma Colleges are concerned and Rs. 30,000/- for the Degree Colleges. (...)

65. In the result, all the writ applications succeed in part. The State is directed to put the ad hoc Lecturers appointed after May 2008 on par with the ad hoc Lecturers appointed prior to May 2008. The ad hoc Lecturers appointed after May 2008 shall be paid the salary and other allowances on par with the same received by the ad hoc Lecturers appointed prior to May 2008. Such benefits shall be granted to them with effect from January 2015 onwards. It is directed that the contractual Lecturers shall be paid the minimum of the pay scale so far as the post of Lecturer is concerned with all other allowances attached to the same with effect from January 2015."

(emphasis supplied)

14. Insofar as the decision in the case of ad hoc Assistant Professors is concerned, the State preferred LPA 1359 of 2017 before the Division Bench of the High Court. Similarly, the ad hoc Assistant Professors themselves filed LPAs before the Division Bench. The Division Bench of the High Court heard the appeal filed by the State against grant of parity of pay to ad hoc Assistant Professors and by its judgment dated 24.01.2018 in Acharya Madhavi (Supra) confirmed the decision of the single Judge with a minor modification that the ad hoc Assistant Professors will be entitled to arrears at the rate of 8% from 3 years preceding the filing of their writ petitions. The relevant portion of the Judgement of the Division Bench is extracted hereunder:

"[9.0] In view of the above and for the reasons stated above, Letters Patent Appeal Nos.1354/2017, 1359/2017 and 2148/2017 preferred by the appellant - original respondents - State Authorities deserve to be dismissed and are, accordingly, dismissed. Letters Patent Appeal No.1184/2017 in Special Civil Application No.8152/2015 preferred by the original petitioners of Special Civil Application No.8152/2015 is hereby partly allowed and the impugned judgment and order passed by the learned Single Judge in Special Civil Application No.8152/2015 is hereby modified to the extent it is held that the original petitioners shall be entitled to the salary and other benefits at par with those adhoc lecturers appointed prior to May 2008 and they shall be granted such benefit from the last 3 years preceding the filing of the petition i.e. from 2012 onwards. No costs."

(emphasis supplied)

15. The Special Leave Petition filed by the State against the above referred judgment of the Division Bench in Acharya Madhavi (supra) was dismissed by this Court on 14.12.2018.

16. On the other hand, in the appeals filed by the State against the contractual

Assistant Professors the respondents herein, the Division Bench of the High Court in *State of Gujarat v. Gohel Vishal Chhaganbhai*, by the order impugned dismissed the appeals. The Review Petitions filed by the State were also dismissed on 22.03.2024. Thus, the State is before us in these civil appeals.

17. The contention before us is not different from what was advanced before the single Judge or even the Division Bench of the High Court. The State submitted that the appellants were appointed on a contractual basis, and their terms and conditions must therefore be governed by the contract. They would emphasize that the selection process as well as the nature of appointment is starkly distinct and, as such, claim for parity with ad hoc employees, much less regularly appointed Assistant Professors, is impermissible. In any event, they would submit, once appointed on the basis of a contract, the learned single Judge as well as the Division Bench could not have granted them pay and allowances at the rate of the minimum scale of Assistant Professors. State also has an objection about the payment of arrears at the rate of 8% from the last three years preceding filing of the writ petitions.

18. Analysis: More than the justifiable claim for parity, it is rather disturbing to see how lecturers, holding the post of Assistant Professors, continue to be paid and subsist on such low salaries for almost two decades. We are informed that, of the 2720 sanctioned posts, only 923 posts were filled by regularly appointed staff. To address this shortage and to ensure continuity of academic activities, the State Government has resorted to ad hoc and contractual appointments. While 158 posts were filled by ad hoc appointments, 902 posts were filled on a contractual basis. This measure left 737 posts vacant, and this number in fact increased with the sanctioning of 525 new posts of Assistant Professors and 347 posts of Lecturers. With large number of sanctioned posts remaining vacant, the State Government continues to make appointments on an ad hoc and contractual basis.

19. As regards the contention of the State that the respondents, appointed on contractual basis will not be entitled to the relief granted to them by the single Judge, the Division Bench observed:

"24....We notice that the present respondents though contractual appointees are equally eligible and qualified to be appointed on the post of lecturers. Their appointment was made through a open selection process as adopted by the State department by forming a selection committee constituted in terms of the Government resolution dated 20.05.2008 issued by the Education department. The selection committee consisted of the Director of technical education (chairman), Principal of Engineering/ polytechnic/ pharmacy college (member), Expert of the subject (member) and Joint Director technical education. In fact, advertisements were published calling for applications on sanctioned vacant posts, applications of eligible candidates were accepted, written exams were held, qualified candidates were called for interview and a meritorious candidates list was notified and appointment orders were issued. Thus, there cannot be

dispute about writ applicants possessing the requisite qualifications as per the statutory recruitment rules prevalent at the relevant time...."

20. In fact, the State has not even contended before us that the respondents perform duties and functions that are distinct from those of the regularly appointed Assistant Professors or even the ad hoc Assistant Professors. It is in this context that the High Court dismissed the State's appeal by holding that:

"24. ...As rightly pointed out by Mr. Pujara, they are discharging the same responsibilities, teaching to the same students, in the same Government Engineering Colleges and Polytechnics. There is no functional difference pointed out by the State in their work. Hence, in our opinion no discriminatory treatment ought to have been given by State vis-a-vis ad hoc lecturers appointed prior to them. The principle of 'equal pay for equal work' will be applicable in such circumstances."

21. The further contention of the State is that, even assuming that the respondents are entitled to a minimum of the pay scale they will not be entitled to arrears with effect from 3 years preceding the filing of the writ petition. Identical issue was raised by the State in the appeal against the decision of the Division Bench in Acharya Madhavi (Supra). This Court considered and rejected the same, rightly so, because the said decision is based on the principle laid down by this Court in Shivdas vs. Union of India & Ors AIR 2007 SC 1330. The order impugned followed the decision in Acharya Madhavi (Supra), and the said judgment has attained finality with the dismissal of the Special Leave Petition by this Court. The last submission is with respect to the interest of 8% payable to the respondent. Even this submission must be rejected in view of the same being raised, decided, and rejected in the case of Acharya Madhavi (Supra). Interest being the logical consequence of the restitutionary relief, we see no reason to review the said position.

22. In Sabha Shanker Dube v. Divisional Forest Officer, (2019) 12 SCC 297 while drawing the distinction between claims for regularization, and parity in pay, this Court affirmed the constitutional principle of equal pay for equal work and held:

"12. In view of the judgment in Jagjit Singh [State of Punjab v. Jagjit Singh (2017) 1 SCC 148], we are unable to uphold the view of the High Court that the appellants herein are not entitled to be paid the minimum of the pay scales. We are not called upon to adjudicate on the rights of the appellants relating to the regularisation of their services. We are concerned only with the principle laid down by this Court initially in Putti Lal [State of U.P. v. Putti Lal (2006) 9 SCC 337], relating to persons who are similarly situated to the appellants and later affirmed in Jagjit Singh [State of Punjab v. Jagjit Singh], that temporary employees are entitled to minimum of the pay scales as long as they continue in service."

(emphasis supplied)

23. For these reasons, appeals filed by State of Gujarat must fail. Accordingly civil appeals arising from the judgment of the High Court dated 14.02.2023 and 22.03.2024 are dismissed.

Re: Appeals by contractually appointed Assistant Professors in Shah Samir Bharatbhai & Ors. v. The State of Gujarat & Ors i.e. SLP (C) No. 1347/2024. This decision will also dispose of Civil Appeal arising out of SLP (C) No. 6523/2024.

24. These appeals are in a way sequel to the two leading decisions of the Division Bench of the High Court which have attained finality with the dismissal of the Special Leave Petitions. The life of the appellants, working as Assistant Professors on contractual basis has remained the same, as those of their colleagues examined in the previous episode. Here again, the appellants were appointed pursuant to the advertisements dated 27.09.2012 and 20.02.2013, issued on the basis of the Governmental Resolution for appointment to sanction posts through contract. The appellants applied and they were selected on merit and appointed as Assistant Professor (Class II) in the Government Engineering Colleges.

25. We have already indicated that similarly placed contractual Assistant Professors, in the case of State of Gujarat v. Gohel Vishal Chhaganbhai & Ors, filed writ petitions before the High Court seeking parity of pay with ad hoc or regularly appointed employees. Similarly, yet another set of ad hoc Assistant Professors initiated proceedings in Acharya Madhavi Bhavin & Ors v. State of Gujarat, seeking parity of pay with those who were similarly appointed on an ad hoc basis prior to 08.05.2008. Those writ petitions came to be allowed by the learned single Judge by common order dated 07.09.2016, directing the ad hoc Assistant Professors appointed after 08.05.2008 to be treated with parity with those appointed prior to said date. Similarly, the learned single Judge also directed that contractually appointed Assistant Professors must get the minimum of the pay scale provided for Assistant Professors.

26. We have also indicated that the State's challenge to the decision of the single Judge was repelled, and it culminated in the decisions of the Division Bench in Acharya Madhavi (supra) and Gohel Vishal Chhaganbhai (supra) with a minor variation with respect to date of receiving of arrears and interest. These judgments have attained finality with the dismissal of Special Leave Petitions by this Court.

27. The appellants filed writ petitions in 2018 seeking parity with regular or ad hoc Assistant Professors on the ground that as contractual employees undertake similar duties and perform the same functions. The writ petitions were allowed by the learned single Judge by his order dated 05.07.2023. The learned single Judge, however, gave full relief by directing that the appellants should get pay scale and other benefits equivalent to that of the Assistant Professors appointed regularly. Learned single Judge also granted annual increments and other benefits at par with the regularly appointed Assistant Professors from the date of

initial appointment.

28. The State filed a Letter Patents Appeal before the Division Bench, contending that the single Judge could not have exceeded the relief granted in the earlier batch and directed parity, particularly when the appellants were appointed on a contractual basis. More importantly, the State argued that the single Judge was bound by the decisions of the Division Bench in *Gohel Vishal Chhaganbhai* (Supra), *Acharya Madhavi* (Supra). It was argued that in these decisions, the Division Bench only granted minimum of pay scale of Assistant Professors and therefore the single Judge committed a serious error in not following the binding precedent.

29. In the order impugned before us we noticed that the Division Bench went to the other extreme by reversing the judgment in its entirety and dismissed the writ petitions altogether. The Division Bench was of the view that the single Judge has not followed the discipline of law by simply following the two precedents i.e. the decisions in *Acharya Madhavi* (supra) and *Gohel Vishal Chhaganbhai* (supra). For this reason, the Division Bench felt that the judgment of the single Judge is unsustainable. Further, the Division Bench entered into the merits of the matter and came to its own conclusion that the contractual appointed Assistant Professors cannot seek parity of pay with regular employees.

30. There was no doubt about the fact that the learned single Judge should have followed the decisions in *Acharya Madhavi* (Supra) and *Gohel Vishal Chhaganbhai* (supra). However, the consequence of not following the said decisions is not to set-aside the decision of the single Judge and dismiss the writ petitions altogether. The Division Bench should have set-aside the order passed by the single Judge and disposed of the writ petitions in terms of the decisions in *Acharya Madhavi* (Supra) and *Gohel Vishal Chhaganbhai* (supra). By not adopting the natural course of disposing of the writ petitions in terms of the decided cases, the Division Bench fell into the same error as that of the learned single Judge. Division Bench should have followed the decisions of two co-ordinate Benches of the same Court.

31. The appellants were seeking parity of pay. The prayer for regularization, though made in the earlier rounds of litigation was never accepted. The facts of the present case are rather egregious. Assistant professors appointed on contractual basis during 2011 to 2025 have been working at abysmally low monthly emoluments for the last two decades. While there is no material whatsoever drawing out a distinction between the duties and functions performed by them and that of their colleagues appointed regularly or on ad hoc basis, they continue to draw monthly salary of Rs. 30,000/-.

32. Learned counsels for the appellants have given us a comparative chart drawing out the distinction between the regular Assistant Professors, ad hoc appointee and contractual appointee, like that of the respondents:

SN

Assistant

Minimum Professor Category

Recruitment Educational Qualification

Nature of Duties

2012 Gross salary (per month)

2025 gross salary (per month)

1.

Contractual (Petitioners herein)

M. Tech.

Through Public Advertisement against sanctioned post

Identical Duties

(Teaching Engineering Students in Government Engineering Colleges of the State of Gujarat and occasional administrative work.)

Rs.30,000/-

Rs.30,000/-

2.

Ad-Hoc (Post-2008)

B. Tech.

Rs.34,000/- (approx.)

Rs.1,16,000/- (approx.)

3.

Regular (Post-2008)

M. Tech.

Rs.40,412/- (approx.)

Rs.1,36,952/- (approx.)

33. It is disturbing that Assistant Professors are getting monthly emoluments of Rs. 30,000/-. It is high time that the State takes up the issue and rationalize the pay structure on the basis of functions that they perform. For the present we have followed the decisions of the Gujarat High Court in Acharya Madhavi (supra) and Gohel Vishal Chhaganbhai (supra) to grant appellants the same relief as in those cases. We leave it open to the appellants and such similarly placed Assistant Professors to work out their remedies before the High Court in view of

their continued service for a long period. It is for the High Court to consider the same and pass orders as per law.

34. For the reasons stated above, we allow the appeals and set aside the judgment and order of the High Court passed by the Division Bench in LPA No. 1371 of 2023 dated 20.12.2023 as well as by the single Judge in R/Special Civil Application No. 11567 of 2018 dated 05.07.2023. Allowing the appeals in part, we direct that the contractually appointed Assistant Professors, shall be entitled to the minimum pay scale admissible to Assistant Professors. Arrears calculated at the rate of 8% shall be paid from three years preceding the date of filing of the writ petitions. With these directions the appeals stand allowed.