

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 18458 OF 2024

Hamid Sattar Shaikh ...Petitioner

Versus

Principal Satish Pradhan Dnyansadhna College & ...Respondents
Ors

Mr. F.A. Wasif, *for the Petitioner.*

Mr. V.G. Badgurar, AGP *for Respondent-State.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : February 10, 2026

ORDER :

1. Learned Advocate for the Petitioner draws my attention to a Government Resolution dated May 20, 2010, by which, the Maharashtra Civil Services (Conduct) Rules, 1979 (“**Conduct Rules**”) has been made applicable to employees of educational institutions affiliated to Universities recognized under the Maharashtra Universities Act, 1994 (“**Universities Act**”)

2. On the last occasion, I had asked the parties to explain how the Conduct Rules governing employees of the government could be made applicable in a blanket manner, without any *mutatis mutandis* qualification, to private employees of private educational institutions for

no reason other than the institution being recognized and affiliated to a university under the Universities Act.

3. Learned Advocate for the Petitioner tenders a circular issued by the Mumbai University based on a Government Resolution dated May 20, 2010 by which, as a temporary measure, the Conduct Rules applicable to government employees had been made applicable to such staff until a common statute would be developed by the University. It is apparent that the common statute is yet to be developed and 15 years have gone by.

4. That apart, there is nothing to indicate as to how each and every requirement expected from a government employee, including the obligation not to express political views, could be made applicable to private citizens who are employees of private educational institutions, merely because such educational institutions are affiliated to the University.

5. Whether the intention is to make each and every rule applicable to government servants and govern the conduct of such employees or whether any such application would be on a *mutatis mutandis* basis is an issue to be considered.

6. That apart, Learned Advocate for the Petitioner draws my attention to a judgement by a Learned Division Bench of this Court (Nagpur Bench) dated August 25, 2025 in Writ Petition Nos.313 and 616 of 2022, by which the very Government Resolution dated May 20, 2010 has been declared to be illegal and quashed and set aside for not even having been published in the Official Gazette and that instructions had been issued from time to time in contravention of Section 8(3) and Section 8(4) of the Universities Act.

7. Learned AGP seeks some time to consider these developments brought to bear by the Petitioner today and take instructions to file a detailed affidavit dealing with the aforesaid issues. Let such affidavit be filed no later than February 27, 2026. Rejoinder if any, shall be filed by March 6, 2026.

8. Stand over to ***March 9, 2026***. Ad-interim arrangements obtaining as of today shall continue until the next date.

9. Purely as a last chance, Respondent No.1 and Respondent No.2 are also permitted to file their reply. Since any declaration of the law in this matter could also have repercussions for other employees of these institutions, these Respondents may also file a reply no later than February 27, 2026. The rejoinder, if any, by the Petitioner shall be

comprehensive and address all the replies, if any, received pursuant to this order.

10. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]