



(1)

32.wp2315.21  
2026-BHC-NAG:676

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO.2315/2021**

Lokmanya Tilak Jankalyan Shikshan Sanstha, and another .Vs. Smt. Kiran Manish  
Kimmatkar and Others.

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

Mr. H. D. Dangre, Advocate for petitioners.  
Mr. A. P. Raghute, Advocate for respondent No.1.  
Mr. S. M. Bhagde, Advocate for respondent No.2.  
Mr. N. P. Lambat, Advocate for respondent No.3

**CORAM : ANIL L. PANSARE, J.**

**DATE : 06.08.2024**

Heard for some time.

Respondent No.1 was appointed as Assistant Professor  
vide appointment order dated 21.11.2017. She joined service  
on 26.12.2017. She was relieved from service on 20.11.2019.

Rule 11 of the UGC Regulation of 2010 provides thus:

*“11.0 PERIOD OF PROBATION AND CONFIRMATION*

*11.1. The minimum period of probation shall be one  
year extendable by a maximum period of one more  
year in case of unsatisfactory performance.*

*11.2. The confirmation at the end of one year shall  
be automatic, unless extended for another year by a  
specific order, before expiry of the first year.*

*11.3 Subject to this Clause 11, it is obligatory  
on the part of the university/the concerned institution  
to issue an order of confirmation to the incumbents  
within 45 days or completion of probationary period  
after due process of verification of satisfactory  
performance.*

*11.4 Probation and confirmation rules are  
applicable only at the initial stage of recruitment,  
issued from time to time, by Central Government.*



*11.5 All other Central Government rules on probation and confirmation shall be applicable”*

The question as regards interpretation of Clause 11.2 which provides that confirmation in service at the end of one year was automatic unless extended by another year by specific order before expiry of the first year.

Counsel for the petitioners has invited my attention to number of judgments which have been annexed along with pursis dated 16.10.2023. The Apex Court has consistently held that there is no concept of ‘deemed confirmation of probation’, in absence of any indication to the contrary in the original order of appointment or probation or service Rules. In the present case, service Rules provide that at the end of one year, confirmation shall be automatic unless extended for another year by specific order before expiry of the first year.

Admittedly, there is no such extension after completion of one year of service of the respondent No.1.

Counsel for the petitioner, however, submits that there has to be specific order of confirmation and that concept of deemed confirmation is not recognized at all.

The submission, prima facie, appears to be contrary to the proposition of law laid down by the Supreme Court in the case cited by the petitioners themselves.

Learned counsel for the petitioners seeks time to have more research on the point.

Stand over to 12.08.2024.

**(Anil L. Pansare, J.)**