IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
[Arising Out of SLP (C) No. 22417 of 2024]

DR. HARISH CHANDRA TIWARI **…APPELLANT(S)**

VERSUS

UNION OF INDIA & OTHERS **…RESPONDENT(S)**

O R D E R

1. Heard. Leave Granted.

2. The question that arises for our consideration is as to the date from which the Appellant is entitled to the revised pay scale of Rs. 37,400–67,000, along with an Academic Grade Pay (AGP) of Rs. 9,000 - whether from the date of his appointment, i.e., 15.09.2016, or from 27.12.2018, when it was clarified that the post of Associate Professor held by the Appellant carried the aforesaid revised pay scale.

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Reason:

3. For the sake of clarity, we shall deal with the notifications/guidelines/letters on the issue of revised pay scale and then proceed with the factual matrix of the instant case -

a. On 31.12.2008, the Ministry of Human Resource Development (MHRD), Department of Higher Education, issued Letter No. 1-32/2006-U.II/U.I(ii) by way of Guidelines to the Secretary of the University Grants Commission (UGC) appraising them of the revision in pay scale of teachers and equivalent cadres in the Universities and colleges in view of the recommendations of the 6th Central Pay Commission.

Point 2(a)(viii) provides -

> "*Posts of Associate Professor shall be in the Pay Band of Rs. 37400-6700, with AGP of Rs. 9000. Directly recruited Associate Professors shall be placed in the Pay band of Rs. 37400-67000 with an AGP of Rs. 9000, at the appropriate stage in the Pay Band in terms of the conditions of the appointment.*"

b. In furtherance to the directions of the MHRD, the UGC, Respondent No. 2 herein, issued Regulations dated 30.06.2010 for implementation of the revised pay scale, designation and stages of promotion under CAS of the incumbent and newly appointed Associate Professor cadre and carried out the said pay scale as revised by the MHRD.

c. The post of Associate Professor was sanctioned by the Government of Uttarakhand vide Order dated 27.06.2011, wherein the pay scale to the post of Associate Professor was mentioned as Rs. 15600-39100 with AGP of Rs. 8000.

d. On 22.08.2012, the Principal Secretary, Government of Uttarakhand addressed a Government Order to Kumaon University Nainital, Uttarakhand Open University and Doon University regarding the revised pay scale of teachers. Referencing to the MHRD clarification, the Principal Secretary requested the Vice Chancellor to approve the revised pay scale of Rs. 37400-67000 with AGP of Rs. 9000 to the post of Associate Professor.

4. Respondent No. 7, Uttarakhand Sanskrit University, Haridwar (hereinafter referred to as 'University') which is also a University notified under the UGC Act, issued Advertisement No. 01/2015 dated 22.04.2015 for appointment to the posts of Assistant Professors, Associate Professors and other vacant posts. Pertinently, ***in the advertisement, the pay band of Associate Professors was squarely mentioned as Rs.37400-67000 with AGP of Rs. 9000.***

(Emphasis supplied)

5. The Appellant, being eligible, applied to the said post and participated in the selection process. Consequently, he was selected to the post of Associate Professor (Sahitya) and was issued an appointment letter dated 29.08.2016.

6. However, the appointment letter issued to the Appellant prescribed the pay scale for the post of Associate Professor (Direct Recruit) as Rs. 15,600–39,100, with a Grade Pay of Rs. 8,000, which was the pre-revised pay scale applicable to the post of Associate Professor, dehors the pay scale specified in the advertisement as well as in the guidelines issued by the MHRD.

7. Met with such inconsistencies in the pay scale applicable and seeking the revised pay scale of Associate Professor on Pay Band 4 of Rs. 37400-67000 with AGP of Rs. 9000, the Appellant made representations to the Respondent No. 7-University and the authorities concerned to grant him the benefit of the revised pay scale as clarified by the MHRD and UGC. In response to the representations, the Registrar of the University wrote a letter dated 17.11.2016 to the Additional Secretary of the Sanskrit Shiksha, Government of Uttarakhand seeking necessary directions for the grant of revised pay scale of Rs. 37400-67000 to the post of Associate Professors in terms of the UGC Regulations as the same has already been implemented in other State Universities of Uttarakhand way back with effect from 22.08.2012.

8. In the interregnum, the University issued another Advertisement dated 09.12.2016, wherein it was mentioned that the post of Associate Professor carried the pay scale of Rs.37400-67000 with AGP of Rs. 9000. The Appellant, through RTI, also obtained a clarificatory letter dated 09.01.2018 issued by the Registrar of the Respondent No. 7-University to the Deputy Secretary of Sanskrit Education, Government of Uttarakhand wherein the Respondent No. 7- University categorically admitted that it follows the UGC regulations and as per the same, the pay scale applicable to the post of Associate Professors is Rs. 37400-67000 with AGP of Rs. 9000, which is the revised pay scale. The Respondent No. 7-University also admitted that the revised pay has been fixed in the said University. The same is provided herein below –

3.	What was the basis of determining the pay scale of the post of Saha Acharya (Associate professor) in the past?	By Government Order No. 158/XXIV-4/2011-6 (S)-2010 dated 20.06.2011, 12 posts of Assistant Professor were created in the pay scale Rs. 15600-39100 Grade Pay-8000, **but as per the instructions of UGC, the pay scale of Associate professor is Rs. 37400-67000 with Pay grade Rs. 9000 has been revised.** UGC's pay scale is being given to Associate Professors in universities under higher education of Uttarakhand government. **Therefore, on this basis, the present scale of Assistant Professor has been fixed at Rs. 37400-67000 with Grade Pay-9000.**

4.	What is the approved pay scale of Sah Acharya (Associate Professor) in Sampoorananand Sanskrit University, Varanasi.	The pay scale of Assistant Professor in Sampoorananand Sanskrit University, Varanasi is Rs. 37400-67000 with Grade Pay-9000. Photocopy of Advertisement No. 1/2016 of Sampoorananand Sanskrit University, Varanasi is attached for perusal.

9. Aggrieved by the non-grant of revised pay scale, the Appellant invoked the Writ jurisdiction of the Uttarakhand High Court by filing Writ Petition No. 381 of 2018 dated 28.08.2018, seeking a direction to the Respondents to grant him the revised pay scale of Rs. 37400-67000 in terms of the GO. dt. 22.08.2012. By order dated 03.10.2018, the Learned Single Judge disposed of the Writ Petitions directing the Respondent No. 3-State Government to take the decision on the directions sought by the Respondent No. 7-University vide letter dated 17.11.2016 within a period of 4 weeks by maintaining parity with the teachers, i.e., Associate Professors of other Universities who have already been extended the benefit of the revised pay scale.

10. Following the order of the Learned Single Judge, Respondent No.3-State Government vide Letter dated 27.12.2018, referred to the Government Order dated 27.06.2011 and stated that the pay scale of the Associate Professors is upgraded from Rs. 15600-39100 with Grade Pay of Rs. 8000 to Rs. 39400-

67000 with AGP of Rs.9000 and that the benefit of the revised pay scale to the Associate Professors is to be given with immediate effect.

11. Thus, Office Order dated 29.12.2018 was issued by the Respondent No. 7-University to the Appellant informing him that the pay scale for the post of Associate Professor has been revised from Rs.15600-39100 with Grade Pay of Rs. 8000/- to pay scale of Rs. 37400-67000 with AGP of Rs. 9000, however, with effect from 27.12.2018, i.e., from the date it was clarified by the State Government.

12. Wronged by the action of the Respondent No.7-University sanctioning revised pay with effect from 27.12.2018 and not from his date of appointment being 15.09.2016, the Appellant was once again constrained to invoke the Writ Jurisdiction by way of filing Writ Petition No. 67/2021 praying for a writ in the nature of mandamus or order directing the authorities to grant the revised pay scale of Rs. 37400-67000 with AGP of Rs. 9000 to the Appellant on the post of Associate Professor in the Respondent No.7-University from the date of his appointment, i.e, 15.09.2016.

13. Per contra, Respondent No. 7–University, both before the High Court and before this Court, contended that a typographical error had occurred in the Advertisement No. 1/2015 dated 22.05.2015, wherein the pay scale applicable to Associate Professors as Rs. 37,400–67,000 with an Academic Grade Pay

(AGP) of Rs. 9,000 had been indicated though actual pay scale applicable to the post of Associate Professor was Rs. 15,600–39,100 with a Grade Pay of Rs. 8,000. It was therefore contended that Appellant could not claim the benefit of a pay scale which had been mentioned in the advertisement owing to a typographical error.

14. The University further stated that, by Government Order dated 27.06.2011, the post of Associate Professor had been sanctioned with the pay scale of Rs. 15,600–39,100 and Grade Pay of Rs. 8,000. Thus, once the Government Order had expressly sanctioned the post of Associate Professor with the aforesaid pay scale and Grade Pay, the same would necessarily be applicable to the Appellant as well and not the revised pay scale.

15. By way of the impugned order, the High Court proceeded solely on the basis of the counter affidavit filed by Respondent No. 7–University. The High Court was of the view that Appellant could not seek to capitalise on a mistake that had crept into the advertisement by way of a typographical error. Suffice it to say, the High Court proceeded on the premise that, in terms of the Government Order dated 27.06.2011, the post of Associate Professor carried the pay scale of Rs. 15,600–39,100 with a Grade Pay of Rs. 8,000 and therefore, the Appellant could not claim the revised pay. Consequently, the writ petition

preferred by the Appellant came to be dismissed, compelling him to knock on the doors of this Court.

16. We are unable to agree with the opinion of the High Court for the following reasons –

17. *Firstly*, as already discussed hereinabove, the guidelines issued by the MHRD on 31.12.2008, under Point 2(a)(viii), specifically prescribed that the post of Associate Professor would carry the pay scale of Rs. 37,400–67,000 with an AGP of Rs. 9,000. The said guidelines further provided that directly recruited Associate Professors shall be placed in the Pay Band of Rs. 37,400–67,000 with an AGP of Rs. 9,000. These guidelines were subsequently adopted verbatim by the UGC, Respondent No. 2 herein, which vide its notification dated 30.06.2010, implemented the revised pay scale of Rs. 37,400–67,000 with an AGP of Rs. 9,000 for the post of Associate Professor. Undisputedly, Respondent No. 7–University is a University notified under the UGC Act. Further, in its clarificatory letter dated 09.01.2018, the University itself acknowledged that it was governed by the Regulations prescribed by the UGC and has been following the same. Once Respondent No. 7–University unequivocally accepted that it was bound by the UGC Regulations, it was incumbent upon the University to implement the revised pay scale with effect from the date on which the same became applicable. Having failed to do so, the

University cannot now deny the benefit of the revised pay scale to the Appellant from the date of his appointment, which admittedly was subsequent to the issuance of the MHRD guidelines as well as the UGC Regulations. Such denial, to follow the obligated UGC regulations is untenable.

18. *Secondly*, vide order dated 22.08.2012, the Principal Secretary specifically communicated that the post of Associate Professor shall carry the revised pay scale of Rs. 37,400–67,000 with an AGP of Rs. 9,000. Although the said communication specifically referred to the revision of the pay scale of Associate Professors in Kumaon University, Nainital, Uttarakhand Open University, and Doon University, the principle of parity mandates that similarly situated persons be treated alike. Accordingly, the benefit of the revised pay scale cannot be denied to the Appellant merely on the ground that Respondent No. 7–University was not expressly named in the said communication, particularly when the Appellant is similarly situated and Associate Professors are covered thereunder.

19. *Thirdly*, the contention that there was a mistake in the advertisement is beyond our comprehension. By this logic, the Respondent No.7-University shackles the entire foundation of fairness and legitimate expectation that service jurisprudence stands for. Where clear regulations and guidelines govern the pay scale applicable to the post of Associate Professor, the pay scale stipulated in

the advertisement, when it was consistent with the MHRD guidelines and UGC Regulations, cannot be subsequently said to be a mere typographical error. After having mentioned a particular pay scale in the advertisement, which was consistent with the regulations, the Respondent No.7-University cannot now seek to resile from the same and contend that it is a typographical error.

20. There is clinching evidence on record to show that the post of Associate Professor carried the pay scale of Rs. 37,400–67,000 with an AGP of Rs. 9,000 even before the appointment of the Appellant to the said post. The Advertisement also, in clear terms, noted that the revised pay scale shall be applicable to the post of Associate Professor. Thus, by denying the revised pay to the Appellant and by contending that it was an error in the advertisement, the Respondent No. 7-University has unnecessarily dragged the Appellant into this litigation causing hardship. University ought to honour its teachers and uphold their rights as they undertake to impart knowledge to vast number of students and they are estopped from departing from the regulations and guidelines. Hence, University cannot be permitted to deviate from the MHRD guidelines and UGC regulations.

21. For the foregoing reasons, the impugned judgment of the High Court cannot be sustained as the Appellant was always entitled to the revised pay scale of Rs. 37,400–67,000 with an AGP of Rs. 9,000 from the date of his appointment.

Arguendo, even if it is said to be a genuine typographical error, the guidelines are clear to the effect that revised pay scale shall be applicable and the judgments of this Court have clarified that in case of ambiguity between the advertisement and the regulations, the latter shall prevail.

22. We deem it appropriate to set aside the impugned order passed by the High Court in the captioned Writ Petition. The Appellant would be entitled to revised pay scale of Rs. 37,400–67,000 with an AGP of Rs. 9,000 from the date of his appointment, i.e., 15.09.2016. We note that the revised pay scale was made applicable to the Appellant from 27.12.2018, thus, the arrears of salary resulting in the differential pay scale is directed to be calculated and released by the Respondent No. 7 - University to the Appellant within six (6) weeks from the date of this order.

23. With these observations, the Appeal is allowed. Pending application(s) if any, shall stand disposed of and we make no order as to costs.

…….……..…….....J.
[ARAVIND KUMAR]

…..…….....J.
[VIPUL M. PANCHOLI]

NEW DELHI;
AUGUST 10, 2026.

ITEM NO.46 COURT NO.11 SECTION III-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).22417/2024

[Arising out of impugned final judgment and order dated 05-07-2024 in WPSB No.67/2021 passed by the High Court of Uttarakhand at Nainital]

HARISH CHANDRA TIWARI Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

IA No. 46539/2025 - EXEMPTION FROM FILING O.T.
IA No. 220640/2024 - EXEMPTION FROM FILING O.T.
IA No. 220642/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 10-08-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) : Mr. V K Shukla, Adv.
Mr. Sushant Mainali, Adv.
Mr. Amit Gaurav Singh, AOR

For Respondent(s) : Mr. Parmanand Gaur, AOR
Ms. Megha Gaur, Adv.
Mr. Vibhav Mishra, Adv.

Mr. Sudarshan Singh Rawat, AOR
Ms. Rachna Gandhi, Adv.
Ms. Nidhi Jain, Adv.
Mr. Sunny Sachin Rawat, Adv.

Mr. Pankaj Sharma, Adv.
Mr. Kshitij Mudgal, AOR
Mr. Vikalp Mudgal, Adv.
Mr. Amit Jay Singh, Adv.
Mr. Kartik Arora, Adv.
Mr. Ansh Mittal, Adv.
Mr. Durgesh Mishra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

Civil Appeal is allowed in terms of the signed order placed on the file.

Pending application(s), if any, shall stand disposed of.

(NEHA GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)