

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3115 OF 2015

DR. ANKUSH BABURAO KADAM
AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS

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Advocate for Petitioners : Mr. A. N. Nagargoje
ASG for Respondent No.1 : Mr. S.B.Deshpande
Advocate for Respondent 2 : Mr. Alok Sharma
AGP for Respondents 3-5 : Mr. D.V. Tele
Advocate for Respondent No.6 : Mr. A.B. Girase

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CORAM : S.S. SHINDE & P.R. BORA, JJ.

Dated: April 06, 2015

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PER COURT :-

1. Mr. Nagargoje, the learned counsel for petitioners, submits that, the petitioners are appointed in between 1991 to 03.04.1999. They all possess P.G. Degree with 55% marks. The petitioners are selected by following due selection process. They possess qualification required except NET/SET. The learned counsel submits that, the petitioners are entitled for the exemption as are made applicable to the appointment of the lecturers in the period September 1991 to April 2000. The directions and resolutions issued by the Ministry of HRD subsequent to 30.03.2010 and 08.07.2011 would not come in their way. According to the learned counsel, this Court, in writ petition No. 10149 of 2010, has considered this aspect and had

directed the U.G.C to consider the proposal of exemption vide order dated 17.10.2013.

2. Mr. Sharma, the learned counsel for respondent No. 2, submits that, in view of the directions given by the Ministry of Human Research Development, the respondent UGC is not in a position to now consider and decide any proposal seeking exemption from NET/SET. The directions dated 30.03.2010 of the Ministry of Human Research Development, Union of India would not permit UGC to take any further decision.

3. We have heard the learned counsel for the University also.

4. The petitioners claimed to be appointed in between 1991-1999. They are possessing P.G. Degree qualification and are appointed by following due selection process. The U.G.C. had issued directions/resolutions granting exemption from NET/SET to such employees who were appointed during the period September 1991 to 03.04.2000 and the U.G.C. has taken decision granting exemption to such Teachers appointed during the period 1991 to April 3, 2000. The petitioners would be similarly

situated. Only because their proposal was not decided by the UGC the subsequent directions of the HRD would not come in their way as it is held by this court in Writ Petition No.10149 of 2010.

5. In light of the above, we direct the concerned Authorities to consider the petitioners case for grant of exemption from passing NET/SET and to give them consequential and incidental benefits. The Commission shall take decision on the same expeditiously and preferably within SIX MONTHS from today.

6. Writ Petition accordingly disposed of. No costs.

(**P.R. BORA, J.**)

(**S.S. SHINDE, J.**)

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sga/-