

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) WP NO.4579/2015

922 WRIT PETITION NO. 4579 OF 2015

MAHENDRA ZINGA JADHAV
VERSUS
THE NORTH MAHARASHTRA UNIVERSITY, JALGAON AND OTHERS

...
Advocate for Petitioner : Mr.Wakade Ramesh I.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: April 23, 2015

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PER COURT :-

1. Heard.
2. We have perused appointment orders of the petitioner; those are on clock hour basis or for few months. There was no regular appointment of the petitioner.
3. The grievance of the petitioner is that now the post of Librarian is advertised by respondent nos. 3 and 4 and the apprehension of the petitioner is that, his candidature for the post of Librarian may not be considered by respondent nos. 3 and 4 and also by respondent no.1 on the ground that petitioner does not possess NET / SET qualification. It is submitted that the petitioner possesses M.Phil. degree from Global Open University, situated in Nagaland State.
4. In view of the judgment of the Division Bench of this Court in the case of Atul Suresh Patil and others Vs. The State of Maharashtra and others in Writ Petition No.357/2010, dated 20th October, 2010, in particular paragraph no.9 thereof, the petitioner having M.Phil.qualification prior to 10th of July,

AGP/-

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2009, the requirement of NET / SET is not necessary in case of such candidates. It is submitted that the Division Bench of this Court, considering the notifications issued by the University Grants Commission, has reached to the conclusion that in case of candidate possessing M.Phil. qualification, prior to 10th of July, 2009, is eligible to be appointed as Librarian, without insisting for NET / SET qualification.

5. It is true that, in case of Atul Suresh Patil (Supra), taking into consideration the notifications issued from time to time, and relying upon the judgments of the Supreme Court and the Division Bench of this Court, Bench at Nagpur, this Court, in paragraph no.9, held thus:

" In that view of the matter, since it is an undisputed position that all the petitioners are having M.Phil. qualification prior to 10/7/2009, and that in the advertisement, there was no requirement of compulsorily having the qualification of NET/SET we find that the case of the present petitioners is squarely covered by the judgment of the Division of this Court at Nagpur Bench cited supra and also by the resolution of the UGC. "

6. Upon careful perusal of the advertisement at Page No.49 (Exh.1), so far as appointment of Librarian is concerned, no any qualification is stipulated. The petitioner can participate in the said selection process for the post of Librarian. The respondents, keeping in view the Division Bench judgment of this Court in the case of Atul Suresh Patil (Supra), and in particular paragraph no.9 thereof, shall consider the case of the petitioner without insisting

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for NET / SET qualification.

However, we make it clear that, so far as the issue as to whether M.Phil. qualification from Global Open University, Nagaland State is recognized, or otherwise, is left open.

With the above observations, petition stands disposed of.

Parties to act upon the authenticated copy of this order.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

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