

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 4070 OF 2013
WITH WP/4071/2013 WITH WP/5432/2013**

SHAILESH CHAITRAM PATIL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Patil Prakashsing B.

AGP for Respondent : Mr. S.S. Dande

Advocate for Respondent no. 3 : Mr. Alok M. Sharma

Advocate for Respondent no.4 : Mr. Girase Amarjitsing B.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.**Dated: November 18, 2015**

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PER COURT :-

Heard.

2. The learned counsel appearing for the petitioners submits that, there is national test prescribed for the appointment on the post of Director of Physical Education. However, the said test is not being conducted by the U.G.C. It is further submitted that, since the U.G.C. is not conducting the said test, therefore, the petitioners are unable to appear and pass the said test. Therefore, the services of the petitioners may be protected as long as the said test is conducted by the U.G.C. He invited our attention to the pleadings in the Petition, grounds taken therein, annexures thereto and submits that, the Petitions deserve to

be allowed.

3. On the other hand, the learned counsel appearing for the Respondent - University and also U.G.C., relying upon the averments made in the affidavit in reply and additional affidavit in reply and communications sent by the U.G.C. to the University, submits that, U.G.C. has been conducting the national eligibility test twice in a year and the candidate, who is desirous to be appointed as a Director/Assistant Director of Physical Education, is supposed to pass the said test.

4. We have heard the learned counsel appearing for the parties. We have perused the material placed on record, and in particular, the communication issued by the U.G.C. and also the affidavit in reply/additional affidavit in reply filed on behalf of the Respondents.

5. It is stated in the said affidavit in reply that, national test means national eligibility test and is being conducted twice in a year. In that view of the matter, we cannot accept the contention of the learned counsel appearing for the petitioners that, national test and national eligibility test is different. U.G.C. is competent authority to clarify the said aspect and U.G.C. has filed affidavit/additional affidavit with full responsibility, stating that, the said test is required to be passed by the candidates, who are desirous to get appointment on the post of Director of Physical Education.

6. In that view of the matter, all Writ Petitions stand rejected.

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

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

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