

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5495 OF 2009

Prashant S/o Onkar Khairnar, Age 30 years, Occu-Service, Lecturer in Botany, Shri Shivaji Vidya Prasarak Sanstha, Dhule's Late S.D. Patil Alias Baburao Dada Arts and Commerece and Bhausahab M.D. Shisode Science College, Sindkheda, Dist. Dhule, R/o. Bipashana, Behind P.W.D. Office, Malegaon Camp, Dist. Nashik	Petitioner
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V E R S U S

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| 1 | <p>The State of Maharashtra Through its
Secretary Higher and Technical
Education Department, Mantralaya,
Mumbai</p> | <p>Respondents</p> |
| 2 | <p>The University Grants Commission
Bahadur Shah Jafar Marg, New Delhi
110 002</p> | |
| 3 | <p>The North Maharashtra University
Jalgaon, through its Registrar</p> | |
| 4 | <p>Shri Shivaji Vidya Prasarak Sanstha,
Dhule's Late S.D. Patil alias Baburao
Dada Arts and Commerece and Bhausahab
M.D. Shisode Science College,
Sindkheda, Tq. Sindkheda, Dist. Dhule
through its Principal</p> | |

Mr. S.P. Brahme, Advocate for the petitioner
Mr. S. D. Ghayal, AGP for the respondent / State

**CORAM : A. V. NIRGUDE AND
V. K. JADHAV, JJ.**

DATE : 21st October, 2015

PER COURT :

1. The petition though was at relevant time raising a pertinent question is now a stale one, because of certain events that took place after filing of the petition. The petitioner was appointed on contract basis as Lecturer in respondent no.4-College. The College sought approval to the appointment of the petitioner from the University. The University granted the approval on condition that the petitioner should acquire NET/SET Qualification. On two occasions such conditional approval was given. During these four years, the petitioner could not acquire qualification but acquired M.Phil Qualification in 2009. The petitioner's appointment on contract basis come to an end. The petitioner asserted that the University ought to have approved his appointment, because at the relevant time his qualification was sufficient for qualifying him to be appointed as Lecturer. In the mean'time, the college was allowed to advertise post of Lecturer of Botany. Once again another candidate was selected. He had requisite qualification of NET/SET. The petitioner's challenge in the form of this petition continued. The respondents denied the

petitioner's contention that at the relevant time his qualification was sufficient for his appointment as Lecturer and the University ought to have given approval to him.

2. In view of this, following question could have arisen for our consideration, whether the qualification of the petitioner was sufficient for his appointment as Lecturer. We are not inclined to decide this question in the Writ Petition, because the petitioner has lost his job way back in 2009 and he is already replaced with another candidate, who according to the respondents held requisite qualification. So, the deciding the question, quoted above, would become an academic exercise. We are not inclined to decide the same. The petition stands dismissed.

(V.K. JADHAV, J.)

(A.V. NIRGUDE, J.)