

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 6772 OF 2012

PUSHPA MADHAVRAO PATIL
VERSUS
NORTH MAHARASHTRA UNIVERSITY,
JALGAON THR REGISTRAR AND ANR

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Advocate for Petitioner : Mr. Barlinge S.R.
Advocate for Respondent No.1 : Mr. A.B.Girase.
Advocate for Respondent No.2 : Nr,. B.R.Warmaa.

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CORAM : **S. V. GANGAPURWALA and
V.L. ACHLIYA, JJ.**

DATE : 12th January, 2015.

P.C.:

. Mr. Barlinge, learned counsel for the Petitioner submits that the Petitioner was selected in the year 2009 by following due selection process and by a Selection Committee constituted by the University itself. The learned counsel submits that since the year 2005, the Petitioner was working on clock hour basis. According to the learned counsel, though the full work load is available, the Petitioner is not given appointment on full time basis. There is no impediment for the same. The stand taken by the Respondents that subject expert did not form part of Committee is improper. It is not the fault of the Petitioner.

2 Mr.Girase, learned counsel for the University submits that the subject expert was appointed, but he did not attend the selection and was absent and that one of the member of Selection Committee has to be a subject expert. In absence of the same, it cannot be said that the Committee has been validity constituted and proper selection procedure being followed.

3 Mr.Warmaa, learned counsel for the Institution submits that the Institution followed the proper procedure. However, the subject expert is nominated by the University. In view of the fact that the subject expert did not attend the selection process, the Petitioner could not be given appointment as a full time. The Petitioner is continued on clock hour basis. As such, no fault lies with the Management.

4 We have considered the submissions canvassed by the learned counsel for the respective parties. The moot question is about the constitution of the Selection Committee. In the affidavit in reply, it has been stated by the Respondent that the Vice Chancellor had nominated the subject expert, but the subject expert did not remain present at the time of interview. It is stated that the presence of subject expert is mandatory as per the Government Resolution dated 11th December, 1999. In light of that, as the Selection Committee was not properly constituted i.e. in absence of subject expert, the case of the Petitioner cannot be considered.

5 In light of the above, the writ petition stands disposed of. No costs.

[V.L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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