

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6841 OF 2015

GIRISH JAGANNATHRAO PANCHBHAI AND ANOTHER
VERSUS
MAHARASHTRA ANIMAL AND FISHERY SCIENCES UNIVERSITY
THROUGH ITS REGISTRAR

...
Advocate for Petitioners : Mr. Deshmukh Sachin S.
Advocate for Respondents : Mr. P.G. Rodge
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 14th JULY, 2015

P.C. :-

1. Mr. Deshmukh, the learned counsel for the petitioners states that both the petitioners have passed their entrance examination conducted by N.D.R.I. (National Dairy Research Institute), Karnal for the Ph. D. course. The said institution is premier institution in the country. According to the learned counsel, in service candidates have to acquire Ph. D. qualification. The petitioners are working as Assistant Professors. The petitioner No.1 is appointed on 6.7.2009 and the petitioner No.2 is appointed on 24.4.2008. Learned counsel submits that as per the schedule of the N.D.R.I. the last date given in information bulletin for submission of no objection/sponsorship that is certificate to secure admission is 16.7.2015. Learned counsel submits that the University is not issuing no objection certificate

though the petitioners fulfill all terms and conditions required for no objection certificate. Learned counsel submits that the respondents be directed to issue no objection certificate.

2, Mr. Rodge, learned counsel for the respondents states that the petitioner No.1 has not completed his probation period. Satisfactorily. There are adverse remarks. There are 33 applications received. According to the seniority also the petitioner No.1 cannot be given no objection certificate, as only 8 senior academic officers can be declared due for Ph. D. admission. Learned counsel, on instructions, states that as far as petitioner No.2 is concerned, the University would issue no objection certificate as is required for him to take admission with N.D.R.I. for Ph. D. course.

3. In view of the statement made by the learned counsel for the respondents that petitioner No.2 would be given required no objection certificate for Ph. D. course with N.D.R.I.. The case of the petitioner No.2 need not be considered.

4. As far as the petitioner No.1 is concerned, he is appointed on 6.7.2009. Respondent has given list of 8 faculties, which are to be considered for giving no objection to Ph. D. course. It is not disputed that the respondent does not conduct Ph. D. course. The Assistant

Professors like the petitioners have to get the Ph. D. degree from other universities in the country or outside country. It is also a matter of record that the petitioner No.1 has cleared entrance examination for Ph. D. degree for N.D.R.I. However, the petitioner No.1 requires no objection certificate from his parent institution i.e. respondent for being able to get the admission to Ph. D. course conducted by the N.D.R.I.. Naturally, seniority has to be respected. In the list that is given by the respondent there are two posts, which are vacant for senior Fishery Faculty and Senior Dairy Technical Faculty on the ground that the results are yet to be declared. 16.7.2015 is the last date for the petitioners to submit no objection certificate of the University with N.D.R.I.

5. It is submitted by the learned counsel for the respondents, on instructions, that probably the results would be declared within 8 days of those two persons. There are 33 applications received.

6. It is not the case that the petitioner No. 1 is still under probation. It is almost six years he has served with the respondent. Considering the above, we pass the following order:-

O R D E R

- I. The petitioner No.1 shall give undertaking to the respondent University that if some other senior candidates are being required to be given no objection for doing their Ph. D. for the academic year 2015-16, then the petitioner will cancel his admission for Ph. D. course with N.D.R.I. and rejoin the duties with the respondent. The petitioner No.1 shall not claim any equity in that regard. On submissions of this undertaking the respondent shall give required no objection certificate to petitioner No.1.
 - II. The respondents may also consider if the other senior persons are required to be given no objection certificate in the list of 8 candidates, then whether the petitioner can be accommodated under any circumstances for doing Ph. D. course.
 - III. Writ petition accordingly is disposed of with no order as to costs.
6. Parties to act on authenticated copy of this order.

(V. K. JADHAV, J.)**(S. V. GANGAPURWALA, J.)**

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