

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7092 OF 2015

MAHESH MADHUKAR CHOPADE
VERSUS
MAHARASHTRA ANIMAL AND FISHERY SCIENCES UNIVERSITY
THROUGH ITS REGISTRAR

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**WITH
WP/7093/2015**

SANDEEP AMRUT DHENG
VERSUS
MAHARASHTRA ANIMAL AND FISHERY SCIENCES UNIVERSITY
THROUGH ITS REGISTRAR

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Advocate for Petitioner : Mr. S.S. Deshmukh
Advocate for Respondents : Mr. P G Rodge

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: July 30, 2015

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PER COURT :-

1. Mr. Deshmukh, the learned counsel for the petitioner states that the petitioners have cleared entrance examination of Ph.D with premier Institute in India, however, the respondent University is not giving no objection which is necessary for joining the said course. The petitioners undertake to abide by all the terms and conditions. Total 8 senior academic officers and three senior academic staff from all three faculties who are due for Ph.D can be considered for giving no objection. Both the petitioners can be considered. They have only given no objections to six persons for Ph.D course. According to the learned counsel in the University there are almost 200 posts of Associate Professors and Assistant professors earmarked for veterinary subjects. Even if 10% is

considered, the petitioners are entitled for no objection certificate. According to the learned counsel, as yet no objection certificate is not given to any one from the Fisheries as result of the entrance examination of Ph.D examination has not yet been declared. According to the learned counsel, the petitioners have cleared entrance examination and petitioners would be loosing an opportunity to get Ph.D from the Premiere Institute of India. Even the said degree would be beneficial to the respondents and petitioners also undertake to give a bond as required.

2. Mr. Rodge, the learned counsel submits that the College where one of the petitioners is working have 7 approved posts and there are only four professors working whereas, in case of one of the petitioners the College has four approved posts and only two are functioning. The petitioners cannot be considered for giving no objection certificate. No objection is given as per seniority.

3. We have considered the submissions. We do appreciate that the petitioners opportunity to get the Ph.D is being affected. However, even as per the Statute University can declare eight senior academic officers and three senior academic staff from all the three faculties from veterinary faculty. Respondents have already given no objection to five. Even if 10% ratio is maintained, considering the professors working in the petitioner Colleges, this Court cannot come to the aid of the petitioners.

4. Considering the above, writ petitions are disposed of. No costs. It is made clear that, the present orders would not come in the way of the petitioners, if similar relief is claimed in the ensuing year.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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