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

**BENCH AT AURANGABAD**

**WRIT PETITION NO.10777/2014**

Bhalchandra Ramkrishna More.  
...Petitioner..

**Versus**

The State of Maharashtra & others.  
...Respondents...

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**WRIT PETITION NO.10778/2014**

Yogesh Jagannath Korde.  
...Petitioner..

**Versus**

The State of Maharashtra & others.  
...Respondents..

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Shri N.L. Choudhari, Advocate for petitioners.  
Shri K.M. Suryawanshi, AGP for respondent no.1.  
Shri Alok Sharma, Advocate for respondent no.2.  
Shri A.B. Girase, Advocate for respondent no.3.  
Respondent no.4 served.

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**CORAM: S.V. GANGAPURWALA &  
V.K. JADHAV, JJ.**

**DATE: 11.06.2015**

**ORDER :**

1] Heard learned counsel for the parties.

2] It is the contention of the learned counsel for the petitioners that in both these petitions, the petitioners were appointed prior to 4.4.2000 i.e. in the year 1999 by following due selection process, however, the approval for the intermediate period has been rejected on the ground that no documents were filed. The learned counsel submits that it is for the management to file the documents, however, the management did not file the same. The learned counsel submits that the petitioners be given opportunity to file the necessary documents.

3] The learned counsel for the petitioners submits that the petitioners possess the qualification of M.Phil. also. As such they are exempted from passing the NET / SET examination. According to the learned counsel, the respondents are required to be directed to consider their proposal for approval right from the date of their appointment on 1.7.1999. The learned counsel submits that the impugned communication is illegal.

4] Learned counsel for the respondent no.3 submits

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that the order impugned in the present writ petitions is legal and proper inasmuch as no documents are produced showing that proper procedure was followed while appointing the petitioners. The learned counsel submits that the Grievance Committee subsequently considered the position and the fact that the University Grants Commission has withdrawn the exemption and as the petitioners are not possessing NET / SET qualification, the petitioners certainly could not have been considered. Even their M.Phil. degree alleged to have been obtained by the petitioners is after the cut-off date. As such the case of the petitioners cannot be considered.

5] Learned counsel for the respondent no.2 – University Grants Commission also submits that the UGC cannot grant any exemption to the petitioners as they have not passed NET / SET examination.

6] We have considered the submissions canvassed by the learned counsel appearing for the parties

7] As far as the order impugned in the present petitions is concerned, the same is passed on the ground that no documents were filed showing that proper procedure was followed while appointing the petitioners

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i.e. the same was passed by a duly constituted selection committee, after issuing proper advertisement etc. Such an order cannot be said to be illegal. However, if the petitioners are in a position to show that proper selection process was followed while appointing them, it will be open for the petitioners to make a fresh application alongwith all necessary documents. The University shall entertain such fresh application only if it is accompanied with all the necessary documents showing that proper procedure was followed while appointing them.

8] As far as subsequent decision of the Grievance Committee is concerned, the petitioners are at liberty to assail the same in appropriate proceedings.

9] The petitioners seem to have passed M.Phil. examination after the cut-off date. However, if the petitioners claim that they are lawfully appointed prior to 4.4.2000, then it is for them to approach the State Government for seeking exemption from passing NET / SET examination pursuant to the relevant Government resolution. In case such an application is made by the petitioners or proposal is submitted, the State

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Government shall consider the same on its own merits in accordance with law.

10] Writ petitions are accordingly disposed of with no order as to costs.

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

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