

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5768 OF 2013

Shri Santosh Hari Bhau Thite ... Petitioner

Vs.

State of Maharashtra & Ors. ... Respondents

Mr.S.A. Ghisas i/b A.M. Joshi for the Petitioner

Mr.Vikas Mali, AGP, for Respondent Nos.1 & 2

Mr.Amit Borkar for Resp. NO.4

Ms.Ujwala Karpe with Minal Deshmukh i/b V.S. Deokar for Resp. Nos.7 & 8

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 12th JANUARY, 2015

P.C.:

By this petition, the petitioner seeks a direction to the Respondent – University to recognise M.Sc. Sericulture degree as equivalent to M.Sc. Zoology. In the alternative, the petitioner seeks a direction to respondent – Shivaji University to hold that the petitioner has secured M.Sc. Zoology degree. The petitioner also challenges the order of the Solapur University, dated 22.8.2011 withdrawing the approval to the appointment of the petitioner.

The petitioner had secured M.Sc. Sericulture degree from Shivaji University. The petitioner had applied for the post of Lecturer in the senior

college of the respondent – management. A candidate applying for the post of Lecturer was required to possess a M.Sc. Degree in Zoology. It is the case of the petitioner that M.Sc. Degree in Sericulture from Shivaji University is equivalent to M.Sc. Degree in Zoology. After the appointment of the petitioner in the respondent – college, the Solapur University granted approval to his appointment on 31.5.2011. However, the University withdrew the approval by an order dated 22.8.2011 on the ground that the petitioner was not qualified to hold the post. The Principal sought recovery of the salary from the petitioner. In this background, the petitioner has approached this Court.

On hearing the learned Counsel for the parties, it appears that the petitioner is not entitled to the relief sought. The University of Kolhapur has not recognised M.Sc. Sericulture degree of Shivaji University as equivalent to M.Sc degree in Zoology. Admittedly, as per the advertisement issued by the respondent – Management, a candidate seeking appointment on the post of Lecturer was required to possess a M.Sc. Degree in Zoology. The petitioner does not possess a M.Sc. Degree in Zoology. In fact, by an order dated 5.1.2012, the Vice-Chancellor of the Kolhapur University has informed the petitioner that M.Sc. Degree in Sericulture is not equivalent to M.Sc. Degree in Zoology and the request of the petitioner for granting

equivalence to the same is rejected. From the order dated 5.1.2012, it is clear that M.Sc. Degree in Sericulture is not equivalent to the M.Sc. Degree in Zoology. Hence, it cannot be said that the University was not justified in cancelling the approval to the appointment of the petitioner by the order dated 22.8.2011. In the facts of the case, the relief sought by the petitioner cannot be granted. The respondent – College is a grant in aid college. The State or the other respondents cannot seek recovery of the salary for the period from 31.5.2011 to 22.8.2011 since the petitioner had approval of the University during the said period. If the petitioner has worked in the respondent – College after 22.8.2011, the petitioner is free to make a representation to the Management in respect of the arrears of salary for the period during which the petitioner had actually worked. The prayer for salary is kept open.

With the aforesaid observations, the writ petition is disposed of with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)