

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9789 OF 2015

Dr. Uday Digambar Kulkarni,
Age-57 years, Occu:Service,
R/o-Moolji Jaitha College,
Jalgaon, Dist-Jalgaon.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
- 2) The North Maharashtra University,
Umavi Nagar, Jalgaon,
- 3) Khandesh College Education Society's
Moolji Jaitha College, Jalgaon.

...RESPONDENTS

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Mr.V.J. Dixit, Senior Counsel i/b. Mr. A.P.
Deshmukh Advocate for Petitioner.
Mr.S.B. Pulkundwar, A.G.P. for Resp. No.1.
Mr. A.B. Girase Advocate for Resp. No.2.
Mr. V.D. Hon, Senior Counsel with Mr. A.V.
Hon Advocate for Resp. No.3.
Mr. S.G. Chapalgaonkar Advocate for Dr.
Babasaheb Ambedkar Marathwada University.
Mr. U.S. Malte Advocate for Swami Ramanad
Teerth University, Nanded.

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**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 15TH JANUARY, 2016

ORDER :

1. The Petitioner claims that he fulfills and satisfies the norms for being appointed as Principal of the college and as such in pursuance to the advertisement dated 1st August 2014 he tendered application to Respondent No.3 for making appointment on the post of Principal. Along with the application, all necessary documents, including API score sheet done by the Pune University, were tendered. According to the Petitioner, as per the said score sheet, the Petitioner had API score as 417.2. The API score was with capping done by the Pune University. The Petitioner was interviewed and selected by the statutory selection committee formed as per Statute No.413 of the North Maharashtra University. As per the selection committee's

report, the Petitioner is appointed as Principal and accordingly he joined the post since 21st February 2015. The proposal for grant of approval to the appointment of the Petitioner was tendered by Respondent No.3 College to Respondent No.2 University. The North Maharashtra University referred the proposal for assessment of API score to the duly constituted committee of Respondent No.2 North Maharashtra University. The duly constituted committee of the North Maharashtra University arrived at a conclusion that API score of the Petitioner with capping was 331 whereas without capping the API score was 426.16. According to North Maharashtra University, as per the amendments to the 2010 Resolution of the U.G.C. made in the year 2013, it is necessary to consider the API score with capping as suggested under the amendment.

2. The counsel for Dr. Babasaheb Ambedkar University is present, so also Mr. G.R. Manza,

Deputy Registrar of the University and Mrs. Smita Anand Chawre, Law Officer of University are present and the instant order is passed in their presence and as per the consent given on behalf of the University.

3. The Petitioner contends that although the Petitioner has raised issues in respect of applicability of the API score with capping, in the facts of this case it may not be necessary to go into the aforesaid contentions raised by the Petitioner. The Petitioner as well as Respondent No.2 University have arrived at a Consensus to refer the matter for re-verification of the API score of Petitioner to an independent committee of a different University other than Pune University and North Maharashtra University. Although the scheme formulated by the U.G.C. does not provide for re-verification of the API assessment in case of two different views on the assessment, in order to make complete justice and in view of the

peculiar facts and circumstances of this case, we deem it necessary to refer the proposal of the Petitioner for re-verification of API score to the duly constituted committee as per the U.G.C. norms of Dr. Babasaheb Ambedkar Marathwada University. This methodology or resolution of controversy has been accepted by both the parties to the Petition and as such this decision in the instant matter shall not be considered as precedent to be followed.

4. The Petitioner undertakes to tender the application along with the necessary documents to the Director, B.C.U.D. of Dr. Babasaheb Ambedkar Marathwada University within one week from today. On receipt of the proposal, the duly constituted committee as per the U.G.C. norms of the Dr. Babasaheb Ambedkar Marathwada University shall re-verify the API score of the Petitioner and shall tender its report directly to the North Maharashtra University within period of two weeks,

with one copy thereof to the Petitioner. The re-assessment/re-verification shall be done as per the amendment suggested by the U.G.C. in the year 2013 i.e. by application of capping methodology.

5. Since both the parties have agreed for aforesaid modality, the decision on re-assessment of the API score of the Petitioner arrived at by the duly constituted committee of Dr. Babasaheb Ambedkar Marathwada University shall be binding on both the parties and the same is not liable to be challenged before any Court.

6. In the event of conclusion of the duly constituted committee of Dr. Babasaheb Ambedkar Marathwada University that the API score arrived at on re-assessment of the proposal of the Petitioner, to be more than 400, it shall be obligatory for the North Maharashtra University to accord approval to the appointment of the Petitioner from the date of his appointment and

necessary steps shall have to be taken expeditiously and preferably within period of four weeks from the date of receipt of the report of duly constituted committee as per the norms of U.G.C. of Dr. Babasaheb Ambedkar Marathwada University.

7. With the aforesaid observations and directions, Writ Petition stands disposed of.

. Parties to act upon authenticated copy of this order.

[A.I.S. CHEEMA, J.]

asb/JAN16

[R.M. BORDE, J.]