

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4896 OF 2016

[Anuj Yogeshwar Kubde .vs. Dr. Punjabrao Deshmukh Krishi Vidyapeeth, Akola]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.D. Zoting, Advocate for the petitioner,
Shri A.R. Patil, Advocate for the respondent.

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CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : DECEMBER 21, 2016.

By this writ petition, the petitioner seeks a direction against the respondent to include the name of the petitioner in the list of selected candidates and appoint him on the post of Programme Assistant (Computer).

According to the petitioner, though the petitioner has secured very high marks, the respondent has wrongly selected Shri Sandeep Digambar Chittalwar, Shri Radheshyam Madhukar Deshmukh and Shri Mayur Ashokrao Belsare for appointment on the posts of Programme Assistant (Computer). The petitioner possesses a B.Com and M.B.A. degree and according to the petitioner, since the petitioner was qualified for appointment, the respondent-University could not have rejected the candidature of the petitioner. It is stated that the other two selected persons, namely Shri Deshmukh and Shri Belsare also do not possess a qualification equivalent to Bachelor's degree in computer application. It is stated that the respondent has wrongly selected the aforesaid candidates merely with a view to deprive the petitioner of appointment to the said post.

Shri Patil, the learned counsel for the respondent, submits that the essential qualification for appointment to the post of Programme Assistant (Computer) is Bachelor's degree in computer application or an equivalent qualification from a recognized University. It is stated that the petitioner possesses a M.B.A. degree and does not possess any degree which would show that the petitioner has a knowledge in computer applications. It is stated that one of the selected candidates has secured a Bachelor of Engineering degree in Computers and the other two possess B.Sc degree with computer science as one of the major subjects. It is stated that after verification, it was found that the petitioner has no knowledge of computers and the degree possessed by the petitioner had nothing to do with computer application, as the petitioner possesses the degrees of B.Com and M.B.A.

It appears, on hearing the learned counsel for the parties, that the petitioner would not have any right to challenge the selection of the selected candidates. The basic and the essential qualification for appointment to the post of Programme Assistant (Computer) is a Bachelor's degree in computer application or an equivalent qualification from a recognized University. A degree of B.Com and M.B.A has nothing to do with computer application. One of the selected candidates possesses Bachelor of Engineering degree in computers and it appears from the marksheets of the other selected candidates that they have passed B.Sc with computer science as one of the major subjects. On the basis of the documents supplied by the selected candidates, the respondent found that the selected candidates possess the essential qualification, whereas the petitioner did not possess the same. Merely because the petitioner has secured more marks than some of the selected candidates, it cannot be

said that the petitioner was entitled to appointment, when the petitioner admittedly does not possess a Bachelor's degree in computer application and M.B.A degree and bachelor degree in commerce have nothing to do with computer application. Since the petition does not have merit, it would not be necessary to permit the petitioner to join the selected candidates as party respondents to this petition. Merely because the selection committee has not defined, what would be the equivalent qualification, it cannot be said that the petitioner possesses the equivalent qualification and the selected candidates do not possess the same.

In the circumstances of the case, we do not find any merit in the submission made on behalf of the petitioner that though the selected candidates did not possess the qualifications, the respondent-University has selected them. Since the petitioner does not possess the basic qualification for appointment, the petitioner cannot effectively challenge the selection of the other candidates.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE