

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

Writ Petition No. 6515 of 2004

* Dhairyasheelrao s/o Dongar Patil,
Age 49 years,
Occupation : Service,
R/o 75, Jaihind Colony,
"Shivner" Deopur, Dhule. **.. Petitioner.**

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Higher & Technical Education
Mantralaya, Mumbai - 32.
- 2) The Bar Council of India,
through its Secretary
Bhagwandas Road,
Opposite Supreme Court of India,
New Delhi.
- 3) The University Grants Commission,
Through its Secretary,
Bahadur Shah Zafar Marg,
New Delhi 110 002.
- 4) The Bar Council of Maharashtra
& Goa, Through its Secretary
High Court Building Mumbai.
- 5) North Maharashtra University
Through its Registrar, Jalgaon.
- 6) West Khandesh Dalit Shikshan
Prasarak Mandal
Through its Chairman
Mahendra Ashok Nile
Aged 42 years,
Occupation: Social Work
R/o Professor Colony, Deopur, Dhule.

- 7) The Principal,
Dr Babasaheb Ambedkar
Memorial College of Law
Deopur, Dhule.
- 8) The Joint Director of Education
(Higher Grants) Jalgaon.

.. Respondents.

Shri. A.S. Kale, Advocate, holding for Shri. S.B. Talekar,
Advocate, for petitioner.

Shri. A.S. Shinde, Assistant Government Pleader, for
respondent Nos.1 and 8.

Respondent No.3 - served.

Petition is dismissed as against respondent Nos.2 and 4.

Shri. Y.B. Bolkar, Advocate, holding for Shri. R.B.
Raghuwanshi, Advocate, for respondent No.5.

Shri. Ajay Deshpande, Advocate for respondent Nos.6 and
7.

**Coram: T.V. NALAWADE &
SANGITRAO S PATIL, JJ.**

Date: 8 June 2017.

JUDGMENT (Per T.V. Nalawade, J.)

1) The petition is filed against one Law College,
the Bar Council of Maharashtra & Goa, against the
University Grants Commission and the University to which
the Law College is affiliated for getting approval to the

appointment of the petitioner as full time Lecturer in Law College which is receiving 100% grant-in-aid. Both the sides are heard.

2) It is the case of the petitioner that he has been working as full time Lecturer in respondent Law College since 1-7-1995. It is his contention that the University of Poona had prescribed qualification for the post of Lecturer in Law as LL.M. and as he is LL.M. he was eligible to get appointment to the post of full time Lecturer. It is his contention that duly constituted committee had taken interview for the academic year 1995-96 and he was given appointment by appointment order dated 1-7-1995. It is his contention that the appointment was approved by the University as a special case. It is contended that in the interest of the students the condition of securing B+ Grade in LL.M. as well as passing NET or SET examination was relaxed in his favour. It is contended that subsequently his appointment for subsequent period was approved on Clock Hour Basis. It is contended that the University has the power to grant exemption of the aforesaid nature. He has contended that as per the rules,

further approval of the University Grants Commission ("UGC") was required to be obtained and so he had applied for such relaxation to the UGC and copy was sent to the University. It is his contention that nothing was informed to him about such approval and so he needs to be treated as full time Lecturer in Law. He is seeking approval as full time Lecturer right from the date of aforesaid appointment and he wants the pay scale prescribed for the full time Lecturer and also the revised pay scale.

3) There is reply affidavit of the University and it shows that the petitioner was not eligible for appointment as Lecturer in the faculty of Law as he was not fulfilling the conditions laid down for it by the UGC. It is the case of the University that for academic year 1995-96 no proposal was received by it for giving approval to the appointment of the petitioner by his employer. It is contended by the University that for the academic year 1997-98 the University had granted permission to the college of the petitioner to advertise the post and start process of recruitment for such post. It is contended that

the committee was constituted by the university and on 5-4-1998 the committee had taken interview of the candidates who had applied for the post. It is the case of the University that candidate Shri. N.K. Patil was selected by the committee for the post of Lecturer against S.T. category though he was not belonging to S.T. category as S.T. category candidate was not available. Thus it is the case of the University that the petitioner was never selected by properly constituted committee. It is the case of the University that in spite of these circumstances, the College gave appointment to the petitioner for the academic year 1997-98 and so the approval granted by the University for the period from 1-7-1997 to 31-12-1997 was not on permanent basis. It is contended that as the petitioner was not qualified for getting that post, there was no question of giving approval in respect of his appointment as regular full time Lecturer. It is contended that for academic year 1999 - 2000 when permission was granted for advertisement, the petitioner appeared before the selection committee but said appointment of the petitioner was on clock hour basis. It is contended that in subsequent years also permission was granted by the

University to the college to public advertisement and fill in the regular post. It is contended that in the year 2002-2003 selection committee of the University had selected candidate Shri. Vijay Bahiram and the name of the present petitioner was not sent to the University for approval in that year also. It is contended that for the period from 1-1-2004 to 30-4-2004 again approval was given to the appointment of the petitioner on clock hour basis and he was never approved as full time Lecturer in Law by the University.

4) It is the case of the University that basically the petitioner was not having 55% marks in LL.M. Examination (B Plus) and so there was no question of granting further relaxation like not passing NET/SET examination.

5) There is record in respect of the aforesaid contentions made by the University. The marks list of the present petitioner shows that he secured Grade "C" in LL.M. examination and he was external candidate for the LL.M. examination. Thus the petitioner was never eligible

for getting appointment to the post of full time Lecturer. The procedure is laid down in Statute of the respondent University and Statute 415 shows that there is separate procedure given for appointment to the teaching staff on temporary basis and for appointment of teaching staff as against permanent post. Admittedly the petitioner was never selected by the committee constituted by the University as against permanent full time post of Lecturer in Law. Thus, there was no question of giving approval to the appointment for such post. The contention of the petitioner shows that on the date of the petition he was working on clock hour basis. In view of these circumstances there is no question of giving direction to the respondents to approve the appointment of the petitioner as full time Lecturer in Law. Further reliefs claimed by the petitioner are consequential reliefs and so no relief can be granted in favour of the petitioner in the present matter. The petition is dismissed. Rule is discharged. No order as to cost.

Sd/-
(SANGITRAO S PATIL, J.)

Sd/-
(T.V. NALAWADE, J.)

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