

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

WRIT PETITION NO. 11058 OF 2016

Karuna Bhalchandra Deshpande .. Petitioner

Versus

The State of Maharashtra & ors. .. Respondents

Mr.R.J. Godbole, Advocate for the petitioner.

Mr.S.B. Pulkundwar, A.G.P. for respondent/State.

Mr.S.s. Thombre, Advocate for respondent No.3.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 12.10.2017

P.C. :-

1. Mr. Godbole, learned Counsel submits that the petitioner was working as a Professor at the date of her retirement. The Government has taken policy decision for extension of age of retirement from 60 to 62 years, in view of the Government Resolution dated 05.03.2011. The petitioner gave representation on 29.07.2015 i.e. prior to retirement requesting to extend her services for two years. The Equivalence Committee was directed by respondent No.1 through respondent No.2 to assess the performance of the petitioner for the purpose of

extension of services of the petitioner till the age of 62 years. Learned Counsel submits that the Equivalence Committee gave a decision that the degree held by the petitioner i.e. the certificate issued by Akhil Bhartiya Gandharva Mahavidyalaya Mandal is not equivalent to Ph.D. According to learned Counsel, same is contrary to the decision of the Academic Council, so also various circulars issued by respondent No.3-University. Learned Counsel relies on the circular dated 4th June, 1981, 23rd September, 1978 so also relies on the letter issued by the Director, Board of College and University Development dated 18.10.1997. According to learned Counsel all these circulars of the University are not taken into consideration by the Committee while passing the impugned order.

2. Mr.Thombre, learned Counsel submits that the Equivalence Committee considered the letter of the U.G.C., which states that the Akhil Bhartiya Gandharva Mahavidyalaya Mandal is not competent to award the degree

and they can only award Diplomas or certificates.

3. We had asked learned Counsel Mr.Thombre to place on record the decision if taken by the Academic Council or the University to treat the certificate issued by Akhil Bhartiya Gandharva Mahavidyalaya Mandal equivalent to Ph.D. The Resolution passed by the Academic Council is placed on record by the learned Advocate for the University and it appears that it is resolved by the Academic Council that the certificate awarded by the Akhil Bhartiya Gandharva Mahavidyalaya Mandal is equivalent to Ph.D. It appears that the decision of the Academic Council and circulars referred to above are not considered by the Equivalence Committee, while holding that the certificate issued by the Akhil Bhartiya Gandharva Mahavidyalaya Mandal is not equivalent to Ph.D.

4. Considering the above, the impugned orders are quashed and set aside. The Committee shall reconsider the said aspect afresh after considering the circulars

issued by the University or the Academic Council and also other relevant documents and take decision afresh expeditiously, preferably within one month. The petitioner is at liberty to represent herself before the Committee. The petitioner may approach respondent No.2 within eight days.

5. The writ petition is disposed of. No costs.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]