

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10374 OF 2017

Dr. Yashwant s/o Digambarrao Deshmukh
age 45 years, occ. service as
Junior Lecturer
r/o New Shahu Nagar,
Nanded
Tq. & Dist. Nanded

Petitioner

Versus

1. Vasantao Naik Marathwada
Agricultural University
Parbhani, Dist. Parbhani
Through its Registrar

2. The Vice Chancellor
Vasantao Naik Marathwada
Agricultural University
Parbhani, Dist. Parbhani

Respondents

Mr. , advocate for petitioner.
Mr. , A.G.P. for respondents.

**CORAM : R.M.BORDE &
SMT. VIBHA KANKANWADI, JJ.
DATE : 14th NOVEMBER, 2017**

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.

2. Rule. Rule made returnable forthwith. Heard finally at admission stage with the consent of learned counsel for the respective parties.

3. Petitioner, who intends to participate in the process of selection for appointment to the post of Assistant Professor in Bio-Technology, is aggrieved by the decision taken by respondent - University holding him ineligible to apply for the said post.

4. Petitioner has completed Bachelor of Veterinary Science and Animal Husbandary and is also awarded Masters degree in Dairy Science. Petitioner thereafter acquired Ph.D. in Bio-technology. Petitioner claims that he possesses requisite qualification for the post advertised and as such, the decision taken by the University holding him ineligible to participate in the process is erroneous and deserves to be set aside.

5. The Government of Maharashtra in exercise of powers conferred under sub-section (6) of section 38 of the Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983, has framed Maharashtra Agricultural Universities (Krishi Vidyapeeths) Statutes, 1990, applicable to all agricultural universities in the State of Maharashtra. The University Grants Commission and Indian Council of Agricultural Research, New Delhi have prescribed qualification and method of appointments and evaluation of Academic Officers, Head of Departments and other equivalent posts and qualification of Academic Staff Members of the University which has necessitated the State Government to amend the Statute already framed in conformity with the qualifications prescribed by the University Grants Commission and Indian Council of Agricultural Research, New Delhi. The Statutes have been framed by the State in the year 2014 and Appendix III framed under Statue 73 prescribes qualification for the academic

post. So far as the post of Assistant Professor is concerned, it is prescribed that the candidate shall hold Ph.D. in the relevant discipline or Masters degree in relevant discipline from an accredited University alongwith National Eligibility Test (NET) conducted by Indian Council of Agricultural Research (ICAR) / University Grants Commission (UGC) / Council of Scientific and Industrial Research (CSIR) or similar test accredited by the University Grants Commission (UGC) like State Level Eligibility Test (SLET) / State Eligibility Test (SET). National Eligibility Test (NET) / State Level Eligibility Test (SLET) / State Eligibility Test (SET) shall also not be required for such masters programmes in disciplines for which National Eligibility Test (NET) / State Level Eligibility Test (SLET) / State Eligibility Test (SET) is not conducted.

6. Petitioner herein is held ineligible to participate in the process on the ground that he has been awarded Masters degree in Dairy Science whereas his graduation degree is in Veterinary Science discipline. It is not a matter of dispute that petitioner has been awarded Ph.D. degree in Bio-technology and as such, in terms of the Statute framed by the University, petitioner shall be deemed to have requisite qualification prescribed for the post. Contention of respondent that apart from holding Ph.D. degree the candidate shall also possess graduation degree as well as post graduation degree in the relevant discipline is not in conformity with the the Statue framed by the University. Since petitioner holds Ph.D. degree in relevant discipline he shall have to be held eligible to participate in the process. The decision rendered by respondent - University holding petitioner ineligible to participate in the process of selection is erroneous and as such deserves to be

set aside and the same is accordingly set aside. Respondents are directed to permit petitioner to participate in the process of selection and to take appropriate decision in conformity with the merit and other relevant aspects. Rule is accordingly made absolute. No costs.

SMT. VIBHA KANKANWADI
JUDGE

R.M.BORDE
JUDGE

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