

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

WRIT PETITION NO. 11844 OF 2016

Ravindra Dattatraya Shirke .. Petitioner

Versus

Savitribai Phule Pune University
Ganesh Khind through its Registrar
and others .. Respondents

Shri Yogesh P. Deshmukh, Advocate for the Petitioner.
Shri V. P. Golewar, Advocate h/f Shri A. R. Joshi, Advocate for
Respondent Nos. 1 and 2.
Shri M. B. Bharaswadkar, A.G.P. for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 04TH SEPTEMBER, 2017.

FINAL ORDER :

. The petitioner was appointed as a Director of Physical Education with the respondent No. 4 on or about 15.12.2014. The respondent No. 4/college forwarded proposal seeking approval to the appointment of the petitioner. The respondent No. 1/university rejected the said proposal on the ground that, the guide/supervisor is from Pune University and was not a Supervisor/guide recorded with the Rajasthan University from where the petitioner has acquired Ph. D. qualification. The learned counsel submits that, the Rajasthan University has

accorded the degree to the petitioner. As such, the same could not have been questioned by the Pune University. The learned counsel further submits that, even otherwise the U.G.C. regulations under letter dated 06th July, 2016 would have prospective effect.

2. The learned counsel for respondent Nos. 1 and 2 submits that, as the petitioner had obtained Ph. D. qualification in derogation to the guidelines issued by the U.G.C., the qualification of Ph. D. possessed by the petitioner cannot be said to be legal and valid. The order is rightly passed by the university.

3. It would be seen that, the petitioner has been awarded Ph. D. degree by the Rajasthan University. The said university at no material point of time has questioned said degree. It is also not disputed that, the Rajasthan University from where, the petitioner has acquired Ph. D. is a recognized one. Only contention of the respondent Nos. 1 and 2, it appears is that, the Supervisor/guide under whose supervision the petitioner had done the Ph. D. was not registered with the Rajasthan University. A letter is issued by the U.G.C. on 06th July, 2015 directing the university to allocate the supervisor from and amongst regular faculty members in the department or its valid P.G. colleges/institutes. The same would not have retrospective effect

as is considered by the Division Bench of this Court at its Principal Seat at Bombay in Writ Petition No. 6978 of 2015 under order dated July 26, 2017.

4. Considering the above, the impugned order is quashed and set aside. The respondent No. 1 shall reconsider the proposal forwarded to it seeking approval to the appointment of the petitioner and shall not reject it on the ground that while obtaining Ph. D. qualification the supervisor under whom the petitioner has completed the Ph. D. was not regular faculty member of the university, which has accorded the Ph. D. degree. The same may be considered expeditiously and preferably within a period of two (02) months from today. The writ petition accordingly is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 17