

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8626 OF 2015

Dr. Shailesh Shivdas Bhaisare .. Petitioner
Versus
Savitribai Phule Shikshan Prasarak
Mandal & Ors. .. Respondents

Mr. Swaraj S. Jadhav for petitioner
Mr. A.B.Borkar for respondent No.3
Mr. R.A.Rodrigues for respondent No.4
Mr. C.P.Yadav, AGP for respondent No.5.

CORAM : B.R.GAVAI &
SANDEEP K. SHINDE, JJ

DATE : 24th November, 2017

P.C.:

1. Rule. Rule is made returnable forthwith. The petitioner by the present petition has challenged a communication dated 21st May 2015 addressed by the respondent No.4 to respondent No.2. By the said communication it is informed that the recommendation of the Selection Committee in respect of appointment of present petitioner to the post of Assistant Professor in the subject of Zoology has not been accepted as he possesses masters' degree in sericulture, which is not equivalent to zoology as per the decision of the Shivaji University and also as per the decision of the Committee constituted by the board of Studies in Zoology for the same.

2] It appears that in response to the advertisement issued by the respondent No.1 and 2 the petitioner had applied for the post of Assistant Professor in Zoology. The petitioner possesses the degree of M.Sc. In Sericulture granted by respondent No.3 – Shivaji University.

3] It appears from the record of the present petition that when the matter came up before this Court on 10th July 2017, it was found by this Court that Kolhapur University has itself granted equivalence to M.Sc. in Sericulture with M.Sc. in Zoology and that even the Expert Committee had also recommended the same and furthermore, the Senate has also passed a resolution ratifying the same position.

4] In this view of the matter, the respondent No.1 shall take proper decision with regard to the equivalence. We also direct that the University will give weightage to the earlier decision taken by it so also to the report of the Committee of experts.

5] Mr. Borkar, learned Counsel for respondent No.3 states that the Shivaji University who is the competent authority has taken a decision that the degree of M.Sc. in Sericulture is equivalent to the degree of M.Sc. In Zoology.

6] In that view of the matter, the impugned communication which is based only on the decision of Shivaji University of not treating the degree of M.Sc. in Sericulture equivalent to M.Sc. in Zoology could not be sustainable.

5] In that view of the matter we quash and set aside the impugned order. The matter is remitted back to the respondent No.4 University for considering grant of approval to the appointment of petitioner in the light of the decision of the Shivaji University treating degree of M.Sc. Sericulture to be equivalent to degree of M.Sc. in Zoology. The same shall be done within four weeks from today.

6] Rule is made absolute accordingly. No orders as to costs.

(SANDEEP K. SHINDE, J)

(B.R.GAVAI, J.)