

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5034 OF 2016

(Shri Raman s/o Shrihari Chimurkar vs. Union of India thr. its Secretary, Ministry of Human Resources Development Department of Higher Education & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
ROHIT B. DEO, JJ.
JULY 25, 2017.**

Heard Shri D.R. Rupnarayan, learned counsel for the petitioner, Shri S.A. Chaudhari, learned counsel for respondent No. 1 and Shri P.B. Patil, learned counsel for respondent No. 3.

2. The petitioner appeared for interview in 2008 and was aware that he does not fulfill the stipulated qualifications. The University then attempted to obtain relaxation / exemption from NET examination for him but it was rejected on 25.04.2011 by University Grants Commission (UGC). He, therefore, was not appointed at all.

3. In this petition filed on 12.07.2016, prayer is to confirm petitioner as Lecturer from the date of appointment i.e. on 25.11.2008.

4. Respondent Nos. 3 & 4 have specifically pointed out in reply affidavit that the petitioner has never been appointed and could not have been appointed after rejection by UGC on 25.04.2011.

5. Respondent No. 2 – UGC has also filed reply affidavit and pointed out that the exemption is possible only in two circumstances viz., if the candidate has obtained Ph.D. in accordance with UGC Regulations 2009 and second is, NET examination is not conducted in the said discipline. Both these conditions are not satisfied by the petitioner.

5. Respondent No. 2 in reply expressly pointed out the judgment of the Hon'ble Apex Court dated 16.03.2015 in the case of P. Sushila & Ors. vs. Union of India, to urge that even holders of Ph.D. are held to be not correct in pleading legitimate expectation as no legal right accrued in their favour without obtaining NET / SET qualification.

6. In this situation, we find the challenge in the present petition not tenable. Hence, writ petition is rejected. No order as to costs.

JUDGE

JUDGE

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