

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3829 OF 2018

Tushar Prakash Ahire

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. G.S. Rane, advocate for petitioner.
Mr. P.N. Kutti, A.G.P. for respondents no. 1 to 3.
Mr. A.J. Patil, advocate for respondent no. 4.

**CORAM : R.M.BORDE &
K.K. SONAWANE, JJ.
DATE : 24th APRIL, 2018**

PER COURT:

1. Petitioner is objecting to selection of respondent no. 4 as Assistant Professor in agricultural university. Respondent no. 4 possesses Ph.D. Degree in the relevant discipline i.e. Bio-Chemistry. The prescription relating to qualification and experience requires that a candidate to be eligible for the post shall hold qualification as 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 Agriculture Research (ICAR) / University Grants Commission (UGC) / Council of Scientific and Industrial Research (CSIR) or similar test accredited by the 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). State Level Eligibility Test (SLET) / State

Eligibility Test (SET) shall also not be required for such master programme in discipline for which National Eligibility Test (NET) / State Level Eligibility Test (SLET) / State Eligibility Test (SET) is not conducted.

2. Petitioner contends that respondent no. 4 possesses graduation degree i.e. B.Sc in Zoology whereas he has done masters degree in BioChemistry as well as gained Doctorate degree in relevant discipline i.e. BioChemistry. Petitioner contends that since respondent no. 4 is being appointed as Assistant Professor in agricultural university, he shall necessarily acquire graduation and post graduation qualification from the agricultural university. Respondent no. 4 has however acquired graduation and post graduation qualification from non-agricultural university and as such, according to petitioner, respondent no. 4 is not qualified for the post.

3. Considering the qualification and experience provided under the rules, it does appear that respondent no. 4 answers the qualification requirement. Respondent no. 4 does possess Ph.D. degree in relevant discipline and as such, within the prescription of the rules, he shall be deemed to be eligible. Petitioner contends that such a practice is not adopted in any other university and there is insistence for acquisition of graduation and post graduation qualification from the agricultural university. The argument advanced is devoid of substance since the rules which are required to be interpreted do not provide such an interpretation as canvassed by petitioner. Petition is devoid of substance hence stands rejected.

4. Pending civil application, if any, does not survive and stands disposed of.

K. K. SONAWANE
JUDGE

R.M.BORDE
JUDGE

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