

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

WRIT PETITION NO. 6621 OF 2018

Shesherao Ramrao Dhondge .. Petitioner

Versus

The Registrar Swami Ramanand Teerth
Marathwada University and another .. Respondents

Shri S. G. Chapalgaonkar, Advocate for the Petitioner.

Shri A. D. Aghav, Advocate for the Respondent No. 1.

Shri V. D. Gunale, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATE : 28TH JUNE, 2018.

FINAL ORDER :

. Mr. Chapalgaonkar, the learned counsel for the petitioner submits that, amongst other candidates, the petitioner and respondent No. 2 pursuant to the advertisement issued by the respondent No. 1 applied for the post of Director, Sports and Physical Education under the establishment of respondent No. 1. The learned counsel submits that, the respondent No. 2 lacks the basic eligibility and the experience. The respondent No. 2 does not have experience of fifteen years as a lecturer in physical education (selection grade or senior scale) as provided under the University Grant Commission

Regulations. The certificate annexed by the respondent No. 2 states that, the respondent No. 2 was appointed as a contributory lecturer at graduate level intermittently for the period from 02.08.2002 to 15.02.2003, 01.07.2003 to 30.03.2004 and 01.07.2004 to 17.03.2005. The certificate produced by the university is contrary to the experience certificate issued by the Principal of the college dated 19.12.2014. According to the learned counsel, the experience certificate dated 19.12.2014 cannot be a typographical error. The subsequent certificate of the year 2017 is a camouflage document. Even the appointment order is not annexed with the application to substantiate the contention that the respondent No. 2 was appointed on contract basis since 02.08.2002 to 17.03.2005. The learned counsel further submits that, in any case for the said period, the respondent No. 2 was not appointed in selection grade or senior scale as required under the U.G.C. Regulations.

2. Mr. Aghav, the learned counsel for the respondent No. 1 submits that, the experience certificate dated 18.12.2017 was filed by the respondent No. 2 along with the application. As there was discrepancy in two experience certificates, the university had forwarded both the experience certificates to the concerned college for verification. The Mahatma Gandhi College, Ahmedpur communicated to the university that in the experience certificate dated 19.12.2014 there is a typographical error and

the certificate dated 18.12.2017 certifying that the respondent No. 2 has worked on contract basis (full time) at senior college level from 02.08.2002 to 18.03.2005 is true and correct.

3. Mr. Gunale, the learned counsel for the respondent No. 2 adopts the arguments of the learned counsel for the university and further submits that, the qualification has been prescribed by the university for the post of Director Sports and Physical Education and it nowhere says that a candidate should have worked in selection grade or senior scale.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. The advertisement does not prescribe that the candidate having experience of fifteen years as a lecturer in physical education should have been in the selection grade or senior scale. The Government of Maharashtra, Higher and Technical Education Department has prescribed the qualification for the post of Director, Sports and Physical Education purportedly in exercise of powers Sub Section 2 of Sec. 24 of the Maharashtra Public Universities Act 2016 and the said experience prescribed is thus :

Serial No.	Statutory Officer	Qualification and Experience
(1)	(2)	(3)
1.	Director, Sports and Physical Education	a. Ph. D. in Physical Education. b. Experience of at least 10 years as University Deputy Director of Sports/Physical Education or 15 years as University Assistant Director of Sports/Physical Education/College Director of Sports/Physical Education or 10 years as Certified National Coach, c. Participation in at least two national/international seminars/conference, d. Consistently good appraisal report, e. Evidence of organizing competitions and conducting camps of at least two week's duration, f. Evidence of having produced good performance team/athletes for competitions at state/national/inter-University/combined University etc. g. Preference shall be given to a candidate who has been honored with official State/National level award like Arjun award, Dronacharya award, Shiv Chatrapati award etc.

6. Considering the advertisement and the qualification as prescribed by the Government of Maharashtra, it is manifest that fifteen years experience as a lecturer in physical education

need not be in selection grade or senior scale.

7. There are two different experience certificates produced by the respondent No. 2. As far as experience for a period since 19.03.2005 to 27.07.2014 is concerned, there is no dispute. The dispute is about the experience of the respondent No. 2 for a period from 02.08.2002 to 18.03.2005. Perusing the experience certificate dated 19.12.2014 it states that, the respondent No. 2 was appointed as a contributory physical director at graduate level for intermittent period as observed supra and the experience certificate dated 18.12.2017 records that the respondent No. 2 was director of physical education on contract basis (Full Time) at senior college level from 02.08.2002 to 18.03.2005. The experience certificate dated 19.12.2014 by no stretch can be said to be a typographical error. The periods are specific. However another experience certificate dated 18.12.2017 records the tenure of the respondent No. 2 from 02.08.2002 to 18.03.2005 to be on contract basis as a full time Director of Education. The university had referred these certificates to the college and the college has affirmed the certificate dated 18.12.2017 to be genuine one.

8. It is for the university to verify the veracity of the certificates. In case of doubt, the university can call for appointment orders from the college of the respondent No. 2 for

the period 02.08.2002 to 18.03.2005. However, before us the university has placed on record the documents and the reply of the college certifying the experience certificate dated 18.12.2017 is issued by it and same is genuine one. In writ jurisdiction under Article 226 of the Constitution of India, it would not be possible to enter into the rigmarole of the veracity of these certificates.

9. Considering the above, we are not inclined to entertain the writ petition. However, the university to clear the doubt may call for the appointment orders in respect of appointment of the respondent No. 2 from 02.08.2002 to 18.03.2005 on contract basis and satisfy itself.

10. The writ petition accordingly stands disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]