

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

932 WRIT PETITION NO. 9158 OF 2016

UMESH BALBHIM SATHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. S.C.Yeramwar h/f Mr.
Irale Eknath G.

Advocate for Respondent No. 2 : Mr. U.S. Malte
Advocate for Respondent No. 3 : Mr. V.G.Kodale h/f Mr.
V.D. Gunale

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

DATE : JULY 5, 2018

O R D E R :

Petitioner seeks permanent approval to his service as a Lecturer in computer science.

2. Mr. Yeramwar, learned counsel for the petitioner submits that in the year 1995 the petitioner was appointed as a Lecturer in respondent no.3 College affiliated to respondent/University. The selection committee constituted by the University selected the petitioner. Every year the petitioner was selected and temporary approval was also granted to the appointment of the petitioner upto the year

2000. The petitioner was continuously serving with respondent no.3 College. 100 per cent grant was sanctioned in the year 2012. It was further recommended by the University that the qualified staff should be appointed, then only grant-in-aid would be granted.

3. Learned counsel submits that the petitioner possesses post graduate qualification in computer science. The same is sufficient qualification as per the required UGC norms, so also the University rules.

4. The advertisement, pursuant to which the petitioner is appointed also states that the candidate should possess post graduate in computer science. The advertisement nowhere states that NET/SET would be required or the candidate should be M.Phil or should have qualification of Ph.D. According to the learned counsel, it is erroneous on the part of the University to contend that the petitioner is not qualified.

5. We have also heard learned counsel for the respondents.

6. It is an accepted fact that the petitioner possesses the qualification of post graduation in computer science, however, does not possess qualification of M.Phil or Ph.D. or NET/SET. The approval granted to the petitioner from 1995-1996 to 1999-2000 is temporary. The UGC has prescribed qualification under notification dated 19.9.1991, which states that (1) the candidate for the post of Assistant Professor should have good academic record with 55 per cent marks in post graduation and (2) the candidate should have passed NET/SET examination.

7. The norms to acquire NET/SET were relaxed on the condition that the candidate should acquire M.Phil or Ph.D. qualification. Unfortunately, the petitioner has not upgraded his qualification and did not acquire M.Phil or Ph.D. qualification, so also did not pass NET/SET examination.

8. The UGC has recommended the qualification and has relaxed NET/SET to those candidates who were awarded Ph.D. degree. As the petitioner does not come within the ambit of exemption and does not possess qualification as

mandated by the UGC, the case of the petitioner cannot be considered.

9. Writ petition is disposed of. No costs.

[**SUNIL K.KOTWAL, J.**] [**S.V.GANGAPURWALA, J.**]

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