

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

10 WRIT PETITION NO. 8898 OF 2015

BHAGWAN MAROTIRAO PATIL

..PETITIONER

VERSUS

**DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY
THROUGH ITS REGISTRAR AND OTHERS ..RESPONDENTS**

...

Mr. V. D. Hon, Senior Advocate with Mr. A. D. Sonkawade i/b Mr. Ashwin V. Hon, Advocates for the Petitioner.

Mr. S. B. Joshi, AGP for Respondent-State.

Mr. S. S. Thombre, Advocate for the Respondent Nos.1 and 3.

...

**CORAM : S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.**

DATED : 24th OCTOBER, 2018.

PER COURT:-

1. Mr. Hon, learned senior counsel for the petitioner submits that the respondents have erroneously held the petitioner to be ineligible for the post of Assistant Registrar. The petitioner had applied pursuant to the advertisement dated 06.03.2012 for the post of Assistant Registrar with the respondent-University. The petitioner possesses the post graduate degree of a statutory university with more than 50% marks. The petitioner possesses experience as a District Programme Manager with the District Integrated Health and Family Welfare Society, Z. P. Parbhani,

Dist. Parbhani. The work of the petitioner in the capacity of District Programme Manager is administrative in nature. The petitioner has placed on record the nature of the work. The same is equivalent to the work in administrative cadre of the person not below the rank of Superintendent in any educational institution. The advertisement prescribed that the persons having five years experience in administrative cadre not below the rank of superintendent in educational institution or its equivalent post or equivalent scale is eligible. The petitioner's post would be equivalent to the one held by the person not below the rank of superintendent in educational institution. The post on which the petitioner was working is a equivalent post.

2. According to the learned senior counsel, the university appointed respondent no.5, though he was not qualified, as he did not possess the post graduate degree. The respondent did not fill in the other posts. The petitioner was eligible.

3. Mr. Thombare, learned counsel for the respondent-University submits that the respondent no.5 was the only one selected for the post of Assistant Registrar. He also stood retired. His LL.B. degree was considered as post graduate degree. Other posts were not filled in. Now the university would fill in the three posts from the open competition category of which one post is

reserved for women by issuing advertisement after the ban is lifted by the Government for recruitment. As the petitioner did not possess the necessary experience with educational institution, his candidature was not considered.

4. From the affidavit filed by the university, it appears that the selection committee did not find the petitioner to possess necessary experience. The selection committee was of the opinion that the experience in the administrative cadre not below the rank of Superintendent should be in educational institution. The persons in the selection committee would be experts and would be in a better position to consider the experience as laid down in the advertisement vis-a-vis a particular post.

5. The petitioner was appointed on contractual basis on consolidated pay as a District Programme Manager. He was not drawing pay scale equivalent to the post of a person not below the rank of Superintendent in educational institution. The equivalent post as per the selection committee is relevant, if the equivalent post is in educational institution. This Court would not sit in appeal over the decision taken by the selection committee with regard to the experience as contemplated in the advertisement as a plausible interpretation has been made by them.

6. It is also submitted that the respondent no.5 has retired from the service, though it would be debatable as to whether LL.B. qualification is equivalent to the post graduation. However, the respondent no.5 was already retired from the service that is not the subject matter required to be considered.

7. In light of the above, writ petition is disposed of. No costs.

(R. G. AVACHAT)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/October-18

Devendra
Nandkumar
Kale

Digitally signed
by Devendra
Nandkumar Kale
Date: 2018.10.25
18:05:46 +0530