

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

938 WRIT PETITION NO. 12895 OF 2017

ROHINI BHUJANGRAO SHINDE
VERSUS
SWAMI RAMANAND TEERTH MARATHWADA UNIVERSITY THROUGH ITS
REGISTRAR AND OTHERS

...
Advocate for Petitioner : Mr. Joshi Hrishikesh A.
Adv. for Respondent No. 1 : Mr. U.S.Malte
Advocate for Respondent Nos. 2 and 3 : Mrs. Dube Anjali
(Bajpai)
...

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

DATE : JULY 5, 2018

O R D E R :

Rule. Rule returnable forthwith. With the consent of the learned counsel for the respective parties the petition is taken up for final hearing.

2. Pursuant to the advertisement issued by respondent no.2, the petitioner applied for the post of Assistant Professor (computer science). The selection committee selected the petitioner and recommended her name. The

proposal seeking approval to the selection of the petitioner was forwarded to respondent no.1 University. Respondent no.1 University refused approval on the ground that the petitioner does not satisfy the criterion of good academic record. Aggrieved thereby, the petitioner has filed the instant petition.

3. Mr. Joshi, learned counsel for the petitioner submits that the petitioner possesses post graduate degree in computer science, so also has Ph.D. with computer science. The petitioner has done her graduation B.Sc. with the subjects of Botany, Micro-biology and Chemistry. The petitioner has obtained first class in graduate level and has also got first class in post graduation. Learned counsel submits that the petitioner satisfies the criterion of good academic record as per rules of the University and as contemplated by Circular issued by the University dated 7.2.2005.

4. Learned counsel submits that the selection committee comprised of ten members. There were subject experts, nominees of the Vice Chancellor and the

Government, so also the other qualified members. The petitioner was given highest marks amongst the candidates and as such her name was referred to. Only one subject expert nominated by Vice Chancellor did not remain present and in his place another expert was appointed as a member of the selection committee. After following entire selection process the petitioner is selected. No illegality has been committed. The reason, for which the approval to the selection of the petitioner is rejected is erroneous.

5. Mr. Malte, learned counsel for the University submits that the petitioner does not fulfill the criteria of good academic record. The petitioner has not obtained graduate degree with computer science subject. In view of that, the criteria laid down in the Circular dated 7.2.2005 is not fulfilled. Learned counsel submits that while taking admission to the post graduate course the discipline in which graduation has been completed has to be considered. Learned counsel refers to the programme for under graduate and the minimum course curriculum for under graduate courses under choice base credit system.

Learned counsel further submits that selection committee also is not complete in all respect. The subject expert nominated by Vice Chancellor was not present. In that eventuality, the institution ought to have communicated with the Vice Chancellor and the Vice Chancellor would have nominated another subject expert. The quorum of the selection committee was not complete. The University has not committed any error while rejecting the proposal seeking approval to the selection of the petitioner.

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

7. There is no dispute about the selection process undertaken pursuant to the advertisement and the members of the selection committee present at the time of selection. Ten members of the selection committee were present. It is also not disputed by the learned counsel for the respective parties that as per UGC regulations, five members selection committee is sufficient. The proceedings of selection committee filed on record show that there were ten members present. Two members were

Vice Chancellor nominees, one was Government nominee, three were subject experts, apart from the Principal of the College, the Chairman of the Society and the General Body Member. As per UGC regulations, the quorum for selection committee was complete, so the objection that the selection committee was not properly constituted would not be tenable. Another contention of the University for approval to the selection is that the petitioner did not satisfy the condition of good academic record.

8. The documents on record suggest that the petitioner had completed her graduation with science subjects, such as Botany, Micro-biology and Chemistry and secured first class. The petitioner has also secured first class in post graduation with computer science subject. Subsequently, the petitioner has also acquired Ph.D. degree with computer science subject. The Circular defining the good academic record states that the candidate having pass class at first degree and holding M.Phil or Ph.D. degree in addition to B plus at respective post graduation degree shall be treated to qualify term "good academic record".

9. The Circular even remotely does not suggest that the candidate at the graduation level should have the same subject in which the candidate has obtained post graduation and Ph.D.

10. Reading contrary would be supplanting the Circular which is not permissible. The petitioner has secured first class in graduation level, so also secured first class in post graduation with computer science and has secured Ph.D. degree (computer science) and fulfills the eligibility criteria.

11. In the light of above, the petition is allowed. The impugned order is quashed and set aside. It is also held that the petitioner satisfies the criteria of good academic record and the selection committee was properly constituted. The respondent/University shall re-consider the said proposal for approval to the selection of petitioner and shall not reject it on the ground on which the impugned order is passed. The decision shall be taken within six weeks from today.

12. Writ Petition is accordingly allowed. Rule is made absolute in above terms. No costs.

[**SUNIL K.KOTWAL, J.**]

[**S.V.GANGAPURWALA, J.**]

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