

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3541 OF 2017

Anil Krishna Raut ...Petitioner
V/s.
Principal, S.H. Kelkar College & Ors. ...Respondents

Ms.P.V. Thoart for the Petitioner a/w Mr.Anukul Seth for the
Petitioner.

Mr.Sandip Parekh i/b Mr.Prabhakar M. Jadhav for Respondent No.1.

Mr.Rui Rodriques for Respondent No.2-University.

Mr.V.M. Mali, AGP for Respondent No.3-State.

**CORAM : B.R. GAVAI &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 18th APRIL 2018

P.C.

1. The petitioner has approached this Court seeking relief of setting aside the advertisement dated 03rd December 2015. In effect the petitioner contended that the requirement as provided in the advertisement of passing NET SET examination should be held to be invalid inasmuch as the petitioner had been regularly appointed in the year 2004 and would have been exempted from such a requirement since he possesses the educational qualification in the year 2009. The petitions cannot be decided on the basis of

what ought to have been in 2004 or ought not to have been in 2004. The petitions are required to be decided on the basis of the fact as they exist while deciding the petitions.

2. Undisputedly as of today passing NET SET examination is a mandatory qualification as per guidelines of the University Grant Commission. The petition which seeks relief of directing the respondent not to follow the mandatory guidelines is hopelessly without any substance.

3. Needless to state that interim order shall vacated.

(SMT.BHARATI H. DANGRE, J.)

(B.R. GAVAI, J.)