

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.14331 OF 2019

IN WP/9812/2017

HEMANT SHIVAJIRAO WADNE

VERSUS

THE REGISTRAR DR BABASAHEB AMBEDKAR MARATHWADA

UNIVERSITY AURANGABAD AND OTHERS

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Advocate for Applicant : Mr.Sushant V. Dixit

Advocate for Respondent Nos.1, 5 and 6 : Mr.S.S.Tope

Advocate for Respondent Nos.3 and 4 : Mr.B.B.Bhise h/f

Mr.D.J.Choudhary

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 6th December, 2019.

PER COURT :-

1. The applicant – petitioner is aggrieved by the advertisement dated 25/11/2019 published by respondent No.3 – Educational Society in Maharashtra Times by which, five posts in the subject of Chemistry are being sought to be filled in. All the five posts are earmarked for particular reserved categories and

one such post is reserved for Socially, Economically Backward Class (SEBC). The learned Advocate for the petitioner submit that he would fall in the said category and, therefore, prays that one post may be kept vacant so that further complications and multiplicity of litigation can be avoided.

2. Mr.Tope, the learned Advocate appearing on behalf of respondent Nos.1, 5 and 6 submits that this Court has already taken care of such eventuality while passing an order on 24/08/2017 in the petition filed by the applicant as his termination has been sustained by the judgment of the University Tribunal dated 21/04/2017.

3. The learned Advocate appearing on behalf of respondent Nos.3 and 4 adopts the submissions of Mr.Tope.

4. I find from Paragraph No.5 of the order of this Court dated 24/08/2017 that no equities would be created in favour of any newly selected person and such

selection would be subject to the result of this petition.

5. Mr.Tope points out from the advertisement placed on record that the management has mentioned at Clause No.5 that the recruitment is subject to the outcome of Writ Petition No.12051/2015, which is yet another petition that is pending.

6. Considering the above, this application is disposed off, however, with a direction to the Management and the University Authorities that any appointment to the post of Assistant Professor in Chemistry, reserved for the SEBC Category, shall be subject to the result of Writ Petition No.9812/2017 and any other petition if it covers such an appointment. The Management shall issue a specific letter of appointment to the selected candidate that he would be appointed temporarily and such appointment would be subject to the decision in this petition. If the petitioner succeeds in this petition, the position occupied as against SEBC, shall stand vacated forthwith

and the selected candidate to the said position by virtue of the advertisement dated 25/11/2019, shall have no right to raise any grievance.

7. The parties may note that if time permits, the writ petition would be finally heard at admission stage.

(RAVINDRA V. GHUGE, J.)

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