

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 REVIEW APPLICATION (CIVIL) NO.215 OF 2019
IN
WP/4129/2017

DATTATRAYA GANBGADHAR DALVI
VERSUS
GODAWARI SHIVAJIRAO PAWAR A

...
Advocate for Applicant : Mr. Gadhe Ganesh A
Advocate for Respondent No.1 : Mr. Ingole G.R.
AGP for Respondents/State : Mrs. Patil/Jadhav V.N.
Advocate for Respondent Nos.2 to 4 : Mr. Navandar M.N.
...

CORAM : T.V. NALAWADE AND
M.G. SEWLIKAR, JJ.

DATE : 17th January, 2020

PER COURT :

This proceeding is filed for review of the Judgment delivered in Writ Petition No. 4129 of 2017 on 01.10.2019.

2. Heard both the sides.

3. Present applicant was respondent No.3 in the said proceeding and in the said proceeding following order is passed :

"1. The petition is allowed only as against respondent No.3 Dr. Dattatraya Dalvi and promotion given to him by respondent Agricultural University to the post of Associate Professor is hereby quashed and set aside.

2. The University is expected to start fresh process for filling the vacancy. The effect of the order of cancellation of the promotion shall have immediate effect.

3. Respondent No.3 is to be brought back to his original post with immediate effect

Rule made absolute in those terms."

3. It is the contention of the applicant in that proceeding, that even when respondent No.3 had not acquired P.H.D. Degree from Agricultural University, he was appointed as Associate Professor by way of promotion. This post is for Agricultural Botany Department. After considering the eligibility conditions for that post, aforesaid order is made.

4. Today, learned counsel for the review-applicant submitted that there is no provision to prevent the appointing authority to appoint a person who has obtained P.H.D. degree from non-agricultural university on aforesaid post. His second submission is that he was working in respondent No.3-University. He has submitted that for the study of subjects like; Maths, Physics, such appointments can be made, and in

the past, advertisements were also issued for those posts. He submits that for the subject of Botany also some advertisement was made. Present subject was botany, and so, it cannot be said that the person who has obtained P.H.D. degree from Non-Agricultural University could have been appointed for promotion for aforesaid post. If in the past some mistake is made by the University, on that mistake, this Court cannot give direction to the University to commit one more mistake.

5. In view of the above discussion and aforesaid decision, this is not a fit case to review the Judgment passed in Writ Petition No. 4129 of 2017. Therefore, Review Application stands dismissed.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)