

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

166 WRIT PETITION NO.628 OF 2015

DR MAHESH KRUSHNARAO GHUGARI

.. Petitioner

VERSUS

THE UNION OF INDIA AND OTHERS

..Respondents

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Mr Chaitanya Deshpande h/f. Mr V P Raje, Advocate for Petitioner

Mr A.G. Talhar, ASG for Respondent Nos.1 & 2

Mr K.N. Lokhande, AGP for Respondents / State

Mr Alok Sharma, Advocate for Respondent No.3

Mr J.R. Patil, Advocate for Respondent No.5

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**CORAM : S. V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATE : 09-08-2021

PER COURT : -

1. The approval was granted to the appointment of the petitioner as a Professor for the subject 'Samhita Siddhant'. The petitioner possesses post graduate qualification in the subject Kaya Chikitsa. The approval granted to the petitioner is cancelled under the impugned order. Aggrieved thereby, the present petition.

2. We have heard the learned Counsel for the petitioner and the respective learned Counsel for the respondents.

3. The *prima dona* contention of the petitioner is that, the approval was granted to the appointment of the petitioner as a

Professor for 'Samhita Siddhant'. The petitioner possesses post graduate qualification in subject Kaya Chikitsa. The approval is withdrawn without notice to the petitioner.

4. According to the learned Counsel for the respondents, a Professor can teach only that subject, for which, he has acquired the post graduate qualification as is enlisted in the regulations. The petitioner does not possess the post graduate qualification in Samhita Siddhant. The impugned order cannot be faulted with.

5. We have considered the submissions.

6. The chart relied by the learned Counsel for the respondents do not prescribe post graduate qualification for subject Samhita Siddhant. The said aspect also requires to be considered by the respondents.

7. Be that as it may, after the approval was granted to the petitioner, the same is withdrawn under the impugned order without notice to the petitioner. The same is without adhearing to the principles of natural justice.

8. It is trite that whenever an order adverse to the interest of

any person is passed, the principles of natural justice are required to be adhered to. In the present case, the same are not followed.

9. In light of the above, we quash and set aside the impugned order.

10. The respondent/authority may decide regarding the approval to the appointment of the petitioner afresh after giving opportunity to the petitioner.

11. With the aforesaid observations, Writ Petition is disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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