

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5728 OF 2021

Rokade Malik Sagaji

..... Petitioner

VERSUS

**The Vice Chancellor/Registrar,
Mumbai University & Ors.**

..... Respondents

Mr. Ashok B.Tajane for the Petitioner.

Mr.V.P.Vaidya, a/w. Mr.Mahendra Agwekar for the Respondent no.1.

Mr.Rui A.Rodrigues for the Respondent no.3.

Mr.N.C.Walimbe, A.G.P. for the State – Respondent no.2.

**CORAM: R. D. DHANUKA AND
ABHAY AHUJA, JJ.**

DATE : 23rd SEPTEMBER, 2021

P.C:-

By this petition filed under Article 226 of the Constitution of India, the petitioner seeks order and direction against the respondent nos. 1 to 3 directing to include the name of the petitioner in the list of the candidates selected for interview for the post of Registrar as per the advertisement dated 8th January, 2021 and to send letter for interview to the petitioner.

2. Mr.Tajane, learned counsel for the petitioner submits that though the petitioner is eligible for the post of Registrar as per advertisement issued by the Mumbai University and has all the qualification as required in the said advertisement issued on 8th May, 2021, the petitioner has not been called for interview.

3. Our attention is invited to the letter dated 8th June, 2021 issued by the Swami Ramanand Tirth Marathwada Vidyapeeth, Nanded and would submit that the petitioner had applied for different post. The said university had declared the list of valid applications and also invalid applications with an opportunity to cure the deficiency, if any, if the name of the candidates were shown in the list of invalid applications. The similar procedure has not been followed by the Mumbai University about the valid / invalid applications pursuant to the said advertisement dated 8th May, 2021.

4. Mr.Vaidya, learned counsel for the University on the other hand invited our attention to the instruction nos. 2, 4 and 18 of the Instructions to the Candidates issued by the Mumbai University along with the advertisement and would submit that the Mumbai University

was not required to inform the candidates about their eligibility independently and have made it clear that no enquiry in that regard would be entertained.

5. It is submitted by the learned counsel that even otherwise the petitioner was not eligible for the said post of Registrar as is apparent from the representation made by the petitioner himself on 13th September, 2021 to the Mumbai University annexed at page 71 of the writ petition.

6. Per contra, Mr.Tajane, learned counsel for the petitioner in rejoinder submits that his client is eligible and is duly qualified for the said post.

7. A perusal of the instruction to the applicants as referred to aforesaid clearly indicate that the University had made it clear that no enquiry asking for advice as to eligibility would be entertained. It was also made clear that all information like documents required, scrutiny, online interview dates/results/notices/various schedules etc. would be displaced on the website and no personal communication shall be sent to the candidates. In clause (18), it is clearly provided that the

applicants who are not eligible will not be informed independently/individually. The applicants are not allowed to make enquiry on that behalf.

8. The petitioner was fully aware of these instructions issued by the University of Mumbai.

9. The petitioner thus cannot insist that the University shall disclose the reasons as to why the petitioner was not called for the interviews proposed to be started tomorrow.

10. Be that as it may, a perusal of the letter dated 13th September, 2021 addressed by the petitioner to the Mumbai University also clearly indicate that the petitioner was not qualified to be appointed to the said post of Registrar and thus his application is rightly not considered by the University and no letter for interview is issued by the Mumbai University to the petitioner.

11. Writ petition is devoid of merit and is accordingly dismissed.
No order as to costs.

[ABHAY AHUJA, J.]

[R.D.DHANUKA, J.]