

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

**CIVIL APPLICATION NO.4672 OF 2022  
IN  
REVIEW APPLICATION NO.98 OF 2022**

**VASANTRAO NAIK MARATHWADA KRUSHI  
UNIVERSITY, PARBHANI, THROUGH ITS REGISTRAR  
AND ANOTHER  
VERSUS  
GANESH DNYANESHWAR KUTE AND OTHERS**

...

**Advocate for the Applicants : Shri Navandar Manish N.  
AGP for Respondents 3 and 4 : Shri S.G. Sangle**

...

**CORAM : RAVINDRA V. GHUGE  
&  
S.G. MEHARE, JJ.**

**DATE :- 22<sup>nd</sup> April, 2022**

**Per Court :-**

1. Since the office remark indicates that the Review Application has been filed within limitation, this Civil Application is rendered infructuous and stands disposed off.

*kps*

**(S.G. MEHARE, J.)**

**(RAVINDRA V. GHUGE, J.)**

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

**REVIEW APPLICATION NO.98 OF 2022  
IN WP/7281/2020**

**VASANTRAO NAIK MARATHWADA KRUSHI  
UNIVERSITY, PARBHANI, THROUGH ITS REGISTRAR  
AND ANOTHER  
VERSUS  
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**CORAM : RAVINDRA V. GHUGE  
&  
S.G. MEHARE, JJ.**

**DATE :- 22<sup>nd</sup> April, 2022**

**Per Court :-**

1. We have considered the strenuous submissions of the learned advocate for the review petitioners/ University, original respondent Nos.1 and 2 in the writ petition.

2. Our attention is drawn to the advertisement pursuant to which, the petitioner has applied. Under clause 4(5), the Non Creamy Layer Certificate has to be dated 01.04.2014 or thereafter. Clause 24 of the advertisement indicates that all the documents, which are required to be filed to indicate the eligibility of the candidate, should be filed before the cut-off date

which is 04.01.2015.

3. The Government Resolution dated 17.08.2013 indicates that the Non Creamy Layer certificate has to be based on three preceding financial years, meaning thereby, that the certificate which is to be filed by the candidates, should be issued in between 01.04.2014 and 04.01.2015 as per the advertisement and should be based on the income of three financial years preceding the date of such certificate.

4. In the light of this aspect, the learned advocate for the review petitioner/ University submits that the Non Creamy Layer certificate produced by the original petitioner dated 15.03.2018 is not to be considered since the cut off date is 04.01.2015 and the Non Creamy Layer certificate, therefore, had to include three financial years preceding the date of issuance of such certificate. He, therefore, submits that the Non Creamy Layer certificate dated 15.03.2018 is not acceptable as per the advertisement and that this aspect was not brought to the notice of this Court.

5. Issue notice to respondent Nos.1, 3 and 4, returnable on 30.06.2022. The learned AGP waives service of notice on behalf of respondent Nos.3 and 4.

6. Considering the above, the review petitioner/ University is at liberty to proceed with the selection process at issue. However, one post of Senior Clerk, for which the original petitioner had applied for, shall not be filled in. Needless to state, our directions set out in the judgment dated 13.10.2021 to the extent of the original petitioner, shall be stayed.

*kps* (S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)