

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Writ Petition No.7295 of 2017

Dr. Kavita D. Tivade	...	Petitioner
v/s.		
The State of Maharashtra & ors.	...	Respondents

Mr. Sanjeev P. Kadam, Advocate a/w. Mr. Prashant Raut and Mr. Mayur Sanap for the Petitioner.

Mrs. P.N.Diwan, AGP for the State.
Mr. Rui Rodrigues for Respondent No.4.

**CORAM : S.V. Gangapurwala &
Madhav J. Jamdar, JJ.**

27th July 2022

P.C.

The Petitioner claims to have been appointed on 22nd October 1993 by duly constituted Selection Committee.

2. The contention of the Petitioner is that he is in continuous service thereafter. The benefits have been denied to him on the ground that Petitioners do not possess NET/SET qualification.

3. It is further submitted by the learned Counsel for the Petitioner that Petitioner has acquired M.Phil qualification in January 1998 and Ph.D. in 2008.

4. We have heard the learned AGP and Mr.Rodrigues, the learned Counsel for UGC and University.

5. It appears that when the Petitioner was appointed, he was possessing qualification of M.A. with Class-II. The approval is also granted to the appointment of the Petitioner by the University.

6. As the Petitioner was possessing the necessary qualification, the Petitioner was appointed as referred to above. At the relevant time, the Petitioner may not require NET/SET qualification. On the date of appointment the Petitioner was possessing qualification of M.A. with class-II.

7. In light of above, the Respondents may consider the case of the Petitioner as per the GR dated 27th June 2013. It is held that not possessing NET/SET qualification is not fatal to the case of the Petitioner, the Petitioner is appointed through properly constituted Committee on 27-10-1993.

8. With regard to the CAS benefit, the matter is subjudiced before the Apex Court. In view of that, we are not passing any order with regard to CAS benefit as applicable. However, the Petitioner's appointment may be considered proper as Petitioner was possessing M.A. degree with Class-II qualification.

9. Writ Petition is disposed of. No costs.

(Madhav J. Jamdar, J)

(S.V.Gangapurwala, J)

Lata Panjwani, P.S.