

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5452 OF 2015
WITH
CIVIL APPLICATION NO.1062 OF 2018

Dr.Badgujar Madhukar Arjun & Anr. ...Petitioners

Versus

The State of Maharashtra

Thr. The Principal Secretary & Ors. ...Respondents

Mr.C.R. Sivan a/w Mr.B.P. Mishra & Mr.Abdul Karim Khan i/b
Mr.N.M. Ganguli for the Petitioner/Applicant.

Mrs.P.N. Diwan, AGP for the Respondent No.1 to 3-State.

Mr.Rui Rodrigues for Respondent Nos.4 and 5.

CORAM : S.V. GANGAPURWALA &
S.M. MODAK, JJ.

DATE : 13 JULY 2022

P.C:-

. The Petitioners claim to have been appointed on 21-7-1992 and 15-7-1992 on the post of Lecturer by the Local Selection Committee. Thereafter, the Petitioners were again selected and appointed by Regular Selection Committee on 27-10-1993.

2. The contention of the Petitioners is that the Petitioners are in continuous service thereafter. The benefits have been denied to them on the ground that the Petitioners do not

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possess NET/SET qualification.

3. It is further submitted by the learned counsel for the Petitioners that the Petitioner No.1 has acquired Ph.D. qualification in January 2012 and the Petitioner No.2 in the year 2010.

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

5. It appears that when the Petitioners were appointed, the Petitioners were possessing qualification of Post Graduate Degree with B-Plus. The approval is also granted to the appointment of the Petitioners by the University (Page 56).

6. As the Petitioners were possessing the necessary qualification, the Petitioners were appointed as referred to above. At the relevant time, the Petitioners may not require NET/SET qualification. On the date of appointment the Petitioners were possessing qualification of Post Graduate degree with B-Plus.

7. In light of above, the Respondents may consider the case of the Petitioners as per the GR dated 27 June 2013. It is held that not possessing NET/SET qualification is not fatal to the case of the Petitioners, the Petitioners are 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 Petitioners appointment may be considered proper as Petitioners were possessing Post Graduate degree with B-Plus qualification.

9. Writ Petition is disposed of. No costs.

(S.M. MODAK, J.)

(S.V. GANGAPURWALA, J.)