

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

WRIT PETITION NO. 6256 OF 2015

Patil Vivek Chintaman ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

**WITH
WRIT PETITION NO. 1125 OF 2016**

Kharade Bharat Shantaram ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

**WITH
WRIT PETITION NO. 6255 OF 2015**

Patil Nandkishore Atmaram ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

**WITH
WRIT PETITION NO. 6254 OF 2015**

Dhole Ishwar Rangnath ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

Mr. C. R. Sadsivan i/by Mr. N. M. Ganguli for the Petitioner in all Writ Petitions.

Mr. Rui Rodrigues for the Respondent No.2.

Mr. C. G. Gavnekar a/w Mr. Ashutosh G. for the Respondent Nos. 3 and 4.

Mrs. S. S. Bhende, AGP for the State-Respondent No.1.

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.
DATE : 14th SEPTEMBER, 2022**

P.C. :-

. The petitioners assail the order wherein the proposal for approval to the appointment of the petitioners is not considered on the ground that the petitioners did not possess NET/SET qualification.

2. We have heard the learned counsel for the petitioners and the respective learned counsel for the respondents.

3. It is the case of the petitioners' that the petitioners are appointed in the year 1999/2000 on temporary basis for one academic year. Thereafter, petitioners are again appointed in the year 2000/2001 through Local Selection Committee and they are being reappointed. The letters of approval are also there on record for the years 2006, 2007, till 2008 – 2009, thereafter, from 2010 - 2011 to 2021 - 2022, the approvals are granted to the appointment of the petitioners on temporary basis. It appears that the respondent no.3 sought approval for issuance of advertisement from respondent no.2 in the year 2004 and thereafter, published the advertisement to fill in the post on permanent basis. It is the case of the Institution that the University did not appoint the Selection Committee and again selection made by the Local Selection Committee.

4. It appears from the facts on record that these petitioners are continuously working from the year 1999/2000 till date.

5. It is also not disputed that at the time of their initial appointment the petitioners possessed the necessary basic qualification i.e. Post Graduation with B+. In the interregnum, in the year 2004, the proposal

for approval is not considered by the University for their appointment on the ground that the petitioners did not possess NET/SET qualification.

6. It would appear that the petitioners are appointed by following selection process such as issuance of advertisement and the Local Selection Committee. The Government Resolution dated 27th June, 2013 would come to the aid of the petitioners. The petitioners are appointed prior to the year 2000 and are possessing the basic qualification i.e. Post Graduation with B+. Though, the petitioners may not be entitled for CAS benefit, the petitioners would be entitled for protection in service as provided under the Government Resolution dated 27th June, 2013.

7. In view of the fact that the petitioners are continuously in service since the year 1999/2000. The petitioners shall be granted the benefit as per the Government Resolution dated 27th June, 2013 and their services shall be considered regular from the initial date of appointment.

8. Writ Petition is accordingly disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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