

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) NO. 687/2021

DEEPTI D/O VILAS AGARKAR ...VS... STATE OF MAHARASHTRA AND OTHERS

Office Notes, Office Memoranda of
 Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A. S. Siddiqui, Advocate for the petitioner
 Smt. Hemlata Jaipurkar, Assistant Public Prosecutor for respondent no. 1
 Mr. Abhay Sambre, Advocate for respondent nos. 2 and 3
 Respondent no. 4 is served.
 Mr. A.R. Patil, Advocate for respondent nos. 5 to 10

CORAM : A. S. CHANDURKAR AND M. W. CHANDWANI, J.J.

DATED : 14/10/2022

The petitioner seeks direction to be issued to respondent nos. 2 and 3 to issue No Objection Certificate to her for pursuing Ph.D. Course in Soil Science and Agriculture Chemistry during the Academic Year 2020-2021. During pendency of the writ petition, respondent nos. 5 to 10 issued No Objection Certificate dated 10.01.2022 to the petitioner for Academic Year 2021-2022 thereby granting permission to the petitioner to pursue the aforesaid course. The perusal of the said No Objection Certificate indicates that the same is valid for Academic Year 2021-2022. Clause 4 thereof reads as under: -

“4. This ‘No Objection Certificate’ is valid for academic year 2021-22 and candidature will not be considered for next two academic years if the candidate fails to seek admission on receipt of this NOC.”

2. On 25.05.2022, the learned Counsel for respondent nos. 5 to 10 has been directed to obtain instructions as to whether the said No Objection Certificate dated 10.01.2022 could be considered for Academic Year 2022-2023. In response, an affidavit has been filed

by the said respondents in which, it has been stated in paragraph 4 as under:-

“4. So far as consideration of the certificate dated 10.01.2022 for seeking admission in Ph.D. course Academic Year 2021-2022 is concern. It can be considered provided the petitioner has appeared, cleared and qualified through CET held in 2021.”

3. We find that in the aforesaid No Objection Certificate, it has been stated in Clause 4 that candidature of the petitioner would not be considered for next two Academic years, if she fails to seek admission on receipt of the No Objection Certificate. It is informed that the Prospectus for Academic Year 2022-23 would be issued sometime in January, 2023 by respondent no. 4.

4. In that backdrop, we find that depriving the petitioner from consideration of her candidature, if she fails to seek admission in next two academic years appears to be harsh and the same shall not be insisted upon her by respondent nos. 5 to 10. We note that the aforesaid No Objection Certificate would be considered as valid for Academic Year 2022-23 and the same would be subject to qualifying the aforesaid examination.

5. With these clarifications, the purpose of filing the writ petition is served and accordingly, it is disposed of with no order as to costs.

(M. W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

SANDIP
MAHADEV
GATE

Personal Assistant to the
Hon'ble Judge
Digitally signed by SANDIP
MAHADEV GATE
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