

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

974 WRIT PETITION NO.4562 OF 2022

Appasaheb s/o. Narayanrao Mulgir .. PETITIONER

VERSUS

- 1] Sanjivani Education society
Through its Secretary.
- 2] The Principal, Sant Tukaram Arts
& Science College, Parbhani.
- 3] The Registrar,
Swami Ramanand Teerth-Marathwada
University, Nanded.
- 4] The Joint Director,
Higher Education, Nanded.
- 5] Sanjivani Education Society
Through its President. .. **RESPONDENTS**

...

Advocate for Petitioner : Mr.J.M.Murkute
AGP for Respondents:
Advocate for Respondent-State : Ms.R.P.Gaur
Advocate for Respondent no.3 : Mr.S.S.Shinde

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 20.10.2023

P.C. :

1] By the present Writ Petition, the petitioner is challenging order dated 4th April, 2022 passed by the Presiding Officer of University and College Tribunal Dr.Babasaheb Ambedkar Marathwada University, Aurangabad whereby the Tribunal rejected the application filed by the petitioner for production of documents i.e. Degree of M.Phil.

2] The appeal filed by the petitioner was finally heard by the Tribunal. At the time of hearing, it was noticed by the petitioner that though in para no.2 of the Appeal, he has mentioned his education as M.A.B.Ed., M.Phil (Political Science) but the copy of Degree of M.Phil was not annexed to the Appeal. Thereafter, the petitioner filed an application at Exh.A-37 for production of document i.e. Degree of M.Phil dated 20.04.2004 with other circulars. By the impugned order, the application for production of document is rejected.

3] The Tribunal has held that since inadvertently the document was not filed in the appeal, the negligence of

the applicant, committed by not filing the M.Phil Degree, cannot be a ground for production of the degree as additional document at the belated stage of the appeal.

4] The learned counsel for the petitioner submits that the document i.e. Degree of M.Phil is important and inadvertently the said document remained to be placed on record and the said document would be relevant for the purpose of deciding the appeal.

5] Heard the learned counsel for the parties.

6] Since the document will go to the root of the matter in the pending appeal, I deem it appropriate that the petitioner be permitted to produce M.Phil Degree in the Appeal. Accordingly, direction contained in the order dated 04.04.2022 to the extent that the M.Phil Degree is not permitted to be filed at the appellate stage is quashed and set aside. The petitioner is permitted to place on record the document i.e. M.Phil Degree in the appeal.

7] Writ Petition is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

DDC