

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

WRIT PETITION NO. 6375 OF 2023

Dr. Prashant Madhavrao Mane
Age 40 years, Occ. Service,
R/o. Rajendra Giri Nagar, Parbhani.

... **Petitioners**

VERSUS

1) Maharashtra Animal & Fishery Sciences
University Nagpur (MAFSU), Futala
Lake Road, Telangkhedi, Nagpur
Through its vice Chancellor.

2) College of Veterinary & Animal Science,
Parbhani Through its Principle,
Inside MAU Campus, Parbhani.

... **Respondents.**

...

Advocate for the Petitioner : Mr. Sakunke Mayur Vasant
Advocate for the Respondents : Mr. K.P. Rodge h/f Mr. P.G. Rodge

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 19.06.2023

PER COURT :

The petitioner who is having a qualification of Master in Veterinary Science and Specialization in Animal Reproduction, Gynecology and Obstetrics is aspiring to have one more feather in his cap by having another doctorate degree. He applied for a 'no objection certificate' from the concerned University which he obtained on 09.10.2020. It is his stand that because he had met with some accident he could not take advantage of that no objection certificate as he was immobile and even he was on a long leave.

2. It is then alleged that he had cleared the Indian Council of Agricultural Research (ICAR) qualification examination which is a

prerequisite for completing a doctorate with a successful score and rank. Prospectus for the aspiring candidates was published by the Maharashtra Animal and Fishery Sciences University Nagpur (MAFSU) on 10.05.2023. Since the petitioner has already been in service he applied pursuant to that notification on 10.05.2023. However, he did not receive any communication and suddenly 10 names were cleared and his name figured in the candidates who were found not eligible.

3. We have heard the learned advocate for the petitioner as also the learned advocate Mr. Rodge for both the respondents and perused the papers including the affidavit in reply.

4. The prospectus, pursuant to which the petitioner submitted his application expressly indicates in clause 9(iii) that as far as in service candidates are concerned their admission would be as per the University's 81st Executive Council Resolution No. 92/2019 and subsequent resolutions. The affidavit in reply expressly mentions and refers to that resolution No. 92/2019 which *inter alia* provides that only 10 candidates can be permitted to undertake doctorate studies every academic year and a no objection once granted but a candidate failing to secure admission in any academic year would be thereafter disqualified from having another no objection certificate for three years.

5. Obviously, since the prospectus expressly adverted attention of the candidates to this resolution No. 92/2019 its knowledge can certainly be attributed to them particularly when they are not layman.

6. Irrespective of the practical difficulties that the petitioner might have faced after having obtained a no objection certificate on 09.10.2020, he could have availed of that certificate for at least next couple of academic years. We cannot undertake any scrutiny as to the propriety of limiting the number of the candidates to 10 or even providing for three years cap once a no objection certificate remains unused. It would be the matter of

academics and we cannot undertake any scrutiny regarding its appropriateness.

7. Suffice for the purpose to note that the petitioner having once obtained a no objection certificate on 09.10.2020 but having failed to secure admission on that basis will have to wait for another three years as has been resolved in the resolution no. 92/2019.

8. The learned advocate for the petitioner submits that one post is vacant during the current academic year at Parbhani where the petitioner is presently posted and consequently the academics would not be adversely affected even if he is permitted to pursue the doctorate. He further vehemently submits that one candidate has been subsequently directed to be admitted to such doctorate course over and above this figure of 10 candidates. Even the learned advocate for the respondents fairly admits the fact that pursuant to the order of this Court one individual has been permitted to complete his doctorate during the current academic year. It is not brought to our notice as to what were the special reasons why this Court permitted this individual.

9. Besides, we cannot undertake any scrutiny on that ground. There cannot be any parity in such matters. Individual case would be decided on its merits depending upon the peculiar facts and circumstances. No weightage can be attached to that circumstance.

10. The Writ Petition is dismissed.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-