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

13 WRIT PETITION NO. 2203 OF 2024

**GAJANAN AMBADAS TAYADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

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Mr N. B. Khandare, Advocate for Petitioners;
Mr P. K. Lakhotiya, A.G.P. for Respondent Nos.1 & 2
Mr M. N. Navandar, Advocate for Respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND
R. M. JOSHI, JJ.**

DATE : 26th March, 2024

PER COURT:

1. The issue before us revolves around Section 9 of the Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983, which reads as under :-

“9. Notwithstanding anything contained in any Act relating to the establishment of any non-agricultural University in the State, no such University shall be competent to award any degrees, diplomas, certificates or other academic distinctions in Agriculture.

[Provided that, nothing in this section or section 40 shall apply to the Yashwantrao Chavan Maharashtra Open University established under section 3 of the Yashwantrao Chavan Maharashtra Open University Act, 1989 or any institution of higher learning or studies recognised by that University under clause (xxiii) of sub-section (1) of section 5 of that Act; and that University shall be competent to

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award any degrees, diplomas, certificates or other academic distinctions in Agriculture, Veterinary Science and Fisheries.]

"Provided further that, notwithstanding anything contained in section 9 of the Maharashtra Animal and Fishery Sciences University Act, 1998, the Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth, Dapoli shall also be competent to award degrees, diplomas, certificates or other academic distinctions in Fishery Sciences."

2. On 27/02/2024, we had passed the following order :-

"1. The learned Advocate for the Petitioners has relied upon the judgment dated 04/05/2018 delivered by this Court in Writ Petition No. 29 of 2017 (Kishor Punjahari Bhakre and others Versus The State of Maharashtra and others). It is pointed out that Respondent No.3 is also an Agriculture University as like the Agriculture University Respondent No.3 in Kishor Punjahari Bhakre (supra). It is further contended that the degree of B.Sc. Agriculture and B.Sc. Horticulture awarded by the Yashwantrao Chavan Maharashtra Open University, is granted equivalence with the degree awarded by Agriculture University in the state of Maharashtra for the purposes of promotion to the post of Junior Research Assistant.

2. Issue notice to the Respondents, returnable on 26th March, 2024.

3. The learned AGP waives service of notice on behalf of Respondent Nos. 1 and 2.

4. Considering the issue involved, which is covered by a judicial pronouncement, this Writ Petition be listed in the "urgent orders" category.

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5. All office objections to be removed on or before 19th March, 2024, failing which, this Petition shall stand dismissed without reference to the Court on 20th March, 2024.”

3. We have heard the learned Advocate for Respondent No.3/Vasantrao Naik Marathwada Agriculture University, Parbhani. There is no dispute that the view taken by this Court in the judgment dated 04/05/2018 in **Kishor Punjahari Bhakre and others Vs. State of Maharashtra and others** (supra), is squarely applicable to the case of the present Petitioners.

4. In Kishor Punjahari Bhakre (supra), this Court concluded that the degrees of B.Sc. Agriculture and B.Sc. Horticulture awarded by the Yashwantrao Chavan Maharashtra Open University (YCMOU) are equivalent to the similar degrees awarded by the Agriculture Universities in the State of Maharashtra, for the purpose of promotion to the posts of ‘Junior Research Assistants’. Accordingly, a direction was issued to the Agriculture University to consider the degrees of B.Sc. Agriculture and B.Sc. Horticulture obtained from the Open University and the Petitioners’ cases be considered for appointment by promotion to the post of ‘Junior Research

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Assistant’. As the Masters degree was necessary for the post of ‘Senior Research Assistant’, the prayer of the Petitioners to that extent, was rejected.

5. We are informed that this matter was carried to the Hon’ble Supreme Court in Special Leave Petition (C) No.030342/2019 (**Mahatma Phule Krishi Vidyapeeth, Rahuri Vs. Kishor Punjahari Bhakre**), and the same is pending.

6. In view of the above, **this Writ Petition is partly allowed** in terms of prayer clauses (A), (B) and (C), which read as under :-

“A) By issue of writ of certiorari or directions or orders in the nature of writ of certiorari, the Hon'ble Court may call for record, particularly, in relation to the communication dated 22.6.2016 and 6.12.2023 and after examining the validity and legality of the communications, quash and set aside the same;

B) To hold and declare that Degree of B.Sc. Agri. and B.Sc. Horticulture, awarded by Yashwantrao Chavan Maharashtra Open University are equivalent to the similar degrees awarded by the Agricultural Universities constituted and established in the State of Maharashtra, under the provisions of the Maharashtra Agricultural Universities (Krushi Vidyapeeths) Act, 1983 for the purpose of promotion to the post of Junior Research Assistants;

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C) By issue of writ of mandamus or directions or orders in the nature of writ of mandamus, the respondents may be directed to consider the degree of B.Sc. Agri. and B.Sc. Horticulture, awarded by Yashwantrao Chavan Maharashtra Open University are equivalent to the similar degrees awarded by the Agricultural universities constituted and established in the State of Maharashtra, under the provisions of the Maharashtra Agricultural Universities (Krushi Vidyapeeths) Act, 1983 for the purpose of promotion to the post of Junior Research Assistants;”

7. Consequentially, the Petitioners would be considered provisionally for the promotion to the posts of ‘Junior Research Assistants’ available with the Agriculture University, on their own merits. We clarify that as Special Leave Petition (C) No.030342/2019 (**Mahatma Phule Krishi Vidyapeeth, Rahuri Vs. Kishor Punjahari Bhakre**) is pending, the decision of the Hon’ble Supreme Court would be binding on this Petitioners, and if an adverse decision is rendered, the Petitioners will have to suffer the consequences.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

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