



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

2 WRIT PETITION NO. 10856 OF 2024

**DHAMMAPAL SUBHASH JADHAV
VERSUS
THE VICE CHANCELLOR DR. BABASAHEB AMBEDKAR
MARATHWADA UNIVERSITY AND OTHERS**

...
Advocate for Petitioner : Mr. M.S. Bhosale, Mr. K.S. Shinde
and Mr. N.V. Jagtap
Advocate for Respondents : Mr. S.S. Tope

...
**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**
DATE : 01 OCTOBER 2024

PER COURT :

Considering the urgency, though the matter is fresh, we directed the papers to be produced.

2. It is a unique case. The petitioner intends to do PH.D. in Economics. He has been granted exemption from PET examination 2024. The eligibility criteria contained in the Ordinance of 1009 requires the basic qualification to be in the same subject in which the Ph.D. is to be obtained. He having acquired M.Phil in Mass Communication and Journalism, but intends to have a Ph.D in Economics having completed MA in Economics, he apprehends that unless he appears for the examination, this criteria would come in his way.

3. Learned Advocate for the petitioner would take us through the papers and would point out that a schedule was

published on 26 July 2024. Provisional list was to be published on 10 September 2024. In the provisional list, his name did not appear as exempted from appearing in PET. Though the final list was to be published on 18 September 2024, it was actually published on 21 September 2024 and to his surprise his name was appearing in the list of candidates who were exempted from PET 2024. He would submit that immediately he tried to raise his grievance but to no effect and the examination is now scheduled on 03 October 2024. He submits that unless he is allowed to appear in the examination, he would be losing valuable year/s.

4. Learned Advocate Mr. Tope who waives service for the respondents submits that once having been granted exemption having a better qualification/higher qualification, the petitioner need not to be apprehensive. Already all other preliminaries have been completed for conducting the examination on 03 October 2024. Tomorrow is the holiday and it would be difficult to allow the petitioner to appear in the examination.

5. We have gone through the Ordinance of 1009. The eligibility criteria for admission to the Ph.D. programme, stipulation in clause 'e' reads as under :

“e) A candidate fulfilling the eligibility criteria mentioned in (a) and who have qualified the UGC-NET (including JRF)/ UGC-CSIR NET (including JRF)/SLET/GATE/GPAT/SET/teacher FIP holders or have passed M.Phil. Programme

(admitted through entrance test) in the concerned subject from any Statutory University.”

6. Considering the eligibility criteria, since the petitioner intends to go for Ph.D. in Economics, he having acquired M.Phil in Mass Communication and Journalism, the apprehension being entertained by the petitioner cannot be said to be ill-founded. If this stipulation requires having M.Phil in the concerned subject, his qualification as M.Phil in Mass Communication and Journalism may possibly be not considered for Ph.D. in Economics. At least there is nothing before us to demonstrate that his apprehension is baseless.

7. True it is that the examination is scheduled on 03 October 2024 and there is not enough time, however, considering the aforementioned facts, the apprehension of the petitioner being well founded, even if it is not required and he is ready to under go the examination, we cannot make him to take a chance by refusing the request. Even the balance of convenience would lie in his favour.

8. We allow the writ petition and direct the respondents to take immediate steps in co-ordination with the petitioner so that he is allowed to appear at the PET examination 2024 scheduled on 03 October 2024.

9. The order having been dictated in the open Court. Learned Advocate for the respondents is requested to immediately communicate this order to the University.

10. Parties to act on the authenticated copy of this order.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Thakur-Chauhan/-