



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 757 OF 2025

Anand s/o Mohanrao Mahajan,
Age 41 years, Occ. Business,
R/o. 97-B, Dnyaneshwar Nagar, Parbhani.

... **Petitioner**

VERSUS

- 1) The State of Maharashtra,
Through its Secretary
Department of Higher Education,
Mantralaya, Mumbai.
- 2) The Vice Chancellor,
Swami Ramanand Teerth Marathwada
University, Vishnupuri, Nanded.
- 3) The Deputy Registrar (P.G. Section)
Swami Ramanand Teerth Marathwada
University, Vishnupuri, Nanded.

... **Respondents**

...

Advocate for Petitioner : Mr. Akshaykumar J. Mete
A.G.P. for Respondent No.1 : Mr. Amar V. Lavte
Advocate for Respondent nos. 2 and 3 : Mr. Uday S. Malte

CORAM : **MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATE : **01.04.2025**

JUDGMENT : (MANGESH S. PATIL, J.)

Heard the learned advocate for the petitioner, learned A.G.P. for respondent no. 1 and learned advocate Mr. Malte for respondent nos. 2 and 3.

2. Rule. Rule is made returnable forthwith. The learned A.G.P. and the learned advocate Mr. Malte waive service for the respondents. At the joint

request of the parties, the matter is heard finally at the stage of admission.

3. The petitioner, who is aspiring to have Ph.D. having obtained B. Pharmacy degree from the respondent-University, has been seeking exemption from appearing at the Ph.D. Entrance Test (PET-2024). His grievance is that in spite of being eligible and entitled to seek exemption, the online process undertaken by respondent-University for registration for PET-2024 mandatorily required him to fill in the specific post-graduation qualification, for want of which he was unable to complete the registration and his request/grievance was not considered promptly by the respondent-University.

4. The learned advocate Mr. Mete submits that as per the National Higher Education Qualification Framework (NHEQF) of the UGC, pursuant to Clause 4.2, a Bachelor's degree (Honours/Honours with Research) includes *inter alia* bachelor of the requisite discipline with Honours/Honours with Research and also Bachelor of Pharmacy (B.Pharm-4years (8 semesters). He submits that even according to UGC notification dated 07.11.2022, Minimum Standards and Procedures for Award of Ph.D. Degree Regulations, 2022, in clause 3, a candidate who has scored minimum of 75% of marks in aggregate or its equivalent grade after a 4 year/8 semesters bachelor's degree is eligible to seek admission to the Ph.D. programme. He, therefore, submits that in spite of the petitioner having the requisite qualification and eligible to seek exemption from appearing at PET-2024, due to faulty programme for submission of online applications seeking exemption, prevented the candidates like the petitioner who do not possess a post graduate degree but otherwise are eligible to seek exemption, have been illegally prevented from registration. He is now soliciting a writ of mandamus directing the respondent-University to allow him to submit his application else the petitioner would lose precious one year.

5. Per contra, the learned advocate Mr. Malte by referring to the affidavit

in reply would submit that the petitioner possesses a Bachelor of Pharmacy degree awarded in the year 2005 and his such qualification is not a bachelor degree with research (Honours by Research) and therefore he is not eligible under sub clause (iii) of Clause 2.1 of the E-prospectus. This degree has been included pursuant to the National Education Policy of 2020 only recently and not when the petitioner acquired B. Pharmacy. He would submit that the University, pursuant to the National Education Policy of 2020 started the Bachelor's Degree Course in Pharmacy with Honours by Research for the first time in the year 2021-2022 and the first batch actually getting the degree would be after completion of academic year 2024-2025. He would, therefore, submit that the petitioner being not eligible to seek exemption cannot be heard attributing his failure to complete the process of online registration.

6. Mr. Malte would further submit that the last date for completion of registration is long over in the month of August 2024 and the petition suffers from delay and laches having been filed on 09.01.2025.

7. We have considered the rival submissions and perused the papers. There is no dispute about the fact that the petitioner acquired B. Pharmacy degree in the year 2005. There is no dispute about the fact that pursuant the UGC guidelines and the information brochure, some candidates were exempted from appearing at PET-2024 and they were supposed to claim such exemption by registering through the same portal in the specific caption provided therefor. There is no dispute that such exemptions would include candidates having requisite graduation degree in Honours with Research, of 4 years (8 semester course).

8. As can be gathered, the issue revolves around the fact as to whether the petitioner's B. Pharmacy degree, which he acquired in the year 2005 was Honours with Research.

9. Though the petitioner has submitted the degree certificate, it does not

expressly indicate that it is '*Honours with Research*'. A specific stand in the affidavit in reply mentioning that the degree possessed by the petitioner is not with Honours with Research has not been controverted by filing any rejoinder. There is nothing on the record to independently demonstrate that his degree is Honours with Research. The whole thrust of the learned advocate for the petitioner is to demonstrate as to how the petitioner is a meritorious candidate and is even eligible to go for Ph.D. In the absence of anything on the record to demonstrate and classify his B. Pharmacy degree as a B. Pharmacy (Honours with Research), we have no manner of doubt that he is not eligible to seek exemption. Consequently, he cannot be heard in the matter of his failure to register for PET-2024.

10. The learned advocate for the petitioner endeavoured to demonstrate as to how the petitioner has lost a precious year due to failure of the respondents to recognize his B. Pharmacy degree as B. Pharmacy (Honours with Research). This presupposes that the petitioner demonstrates that the degree acquired by him in the year 2005 was of this category. The attempt of the petitioner to demonstrate by referring to the NHEQF of May 2023 expressly providing in Clause No. 4.2 and laying down the qualifications and qualification title/nomenclature, includes Bachelor's Degree (Honours/Honours with Research) as equivalent to *inter alia* Bachelor of Pharmacy (B. Pharm-Four years (eight semesters), can be responded only by pointing out that the petitioner has not chosen to take exception to the E-prospectus Clause No. 2.1 (iii). In the absence of any challenge to this clause as being not compatible with UGC guidelines, when there is nothing to demonstrate that the petitioner possesses B.Pharmacy (Honours or Honours by Research) he cannot be heard to say that this stipulation in the prospectus of PET-2024 being incompatible with the UGC guidelines. No such declaration has been sought, apart from the fact that it was not challenged before responding to the registration process.

11. As regards the grievance of the petitioner as submitted by his learned

advocate about petitioner having lost one precious year, we are afraid, the petitioner is being emotional rather than having sound ground to question the process. Admittedly, this exercise of registration had happened in the month of August 2024 and in spite of being unable to register, he chose to prefer this writ petition in the month of January 2025. This would be an additional ground, which prevents us from exercising the extraordinary power under Article 226 of the Constitution of India.

12. Faced with the situation, the learned advocate for the petitioner would also submit that for some candidates, who were not eligible, time has been extended permitting them to produce the original documents, by referring to the circular issued by the University dated 27.03.2025, copy of which he places on record. A careful perusal of this circular would reveal that several grievances were made by the candidates and shortfalls could be complied with between 27.03.2025 and 01.04.2025. They have been permitted to tender hard copies of the applications, final year mark-sheet of the post graduation course and the caste certificates/validity certificates. In our considered view, this indulgence granted by the University to fulfill the shortcomings, cannot be taken advantage of by the petitioner when he has failed to register himself and is apparently not possessing the requisite qualification for seeking exemption.

13. It is pertinent to note that the prospectus itself had put the candidates to caution, particularly in respect of the candidates, whose claims for exemption are doubtful, expressly mentioning that they could simultaneously seek exemption and also could apply for registration without exemption. The petitioner could have but has chosen not to apply for registration for appearing at PET-2024.

14. Be that as it may, once having concluded that the petitioner has failed to demonstrate his eligibility to seek exemption, the logical consequence is to dismiss the petition.

15. The writ petition is dismissed.

16. Rule is discharged.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)

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