



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

1017 WRIT PETITION NO. 7094 OF 2012

Mahadev Kashinathappa Malbhage

VERSUS

The State Of Mah And Ors

...

Mr. V. D. Gunale - Advocate for the Petitioner

Mr. A.R. Kale - AGP for State

Mr. Uday S. Malte – Advocate for Respondent No. 3

...

CORAM : R. G. AVACHAT

AND

NEERAJ P. DHOTE, JJ.

DATED : 19TH AUGUST, 2025

PER COURT : -

1. By the present Petition, the Petitioner has challenged the order dated 02.03.2012 passed by the Respondent-University refusing to grant approval to the appointment of the Petitioner, as he had not acquired the qualification of National Test/NET/SET or Ph.D.

2. After hearing the parties for some time, the learned Advocate for the Petitioner submits that the Petitioner continued in the service from last fifteen (15) years and he will withdraw the Petition with liberty to pursue the proposal sent by the Management to the University for granting approval to his services from the date he acquired the essential qualification after joining service.

3. Mr. Uday S. Malte, learned Advocate for Respondent – University opposes the request for liberty. He submits that the issue

involved in the Writ Petition has already been decided by the Nagpur Bench of this Court as well as the Hon'ble Supreme Court of India and, therefore, the liberty may not be granted.

4. After hearing both the sides, we permit the Petitioner to withdraw the Petition with liberty as prayed for. If any proposal is forwarded by the Respondent No. 5 – College to the University in respect of considering and granting approval to the Petitioner's appointment post acquisition of the qualification, the same shall be considered and decided on its own merits and in accordance with law.

5. Petition stands disposed off as withdrawn.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde