



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11052 OF 2023

Nilesh s/o Ramakantrao Melgar
Age:33 years, Occu.: Service,
R/o. House No.4/4/97, Near Manoj Press,
Chouraha Tq. And Dist. Aurangabad.

.. Petitioner

Versus

1. State of Maharashtra
Through, Secretary,
Higher Education Department,
Mantralaya, Mumbai.
2. Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Through its Registrar,
Aurangabad.
3. Pro Vice Chancellor,
Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad.
4. Dean,
Science and Technology Department,
Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad.
5. Director,
Board of Examination and Evaluation,
Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad.

.. Respondents

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Mr. Nilesh Ramakantrao Melgar, Petitioner-in-person.
Mr. S. P. Sonpawale, AGP for respondent No.1/State.
Mr. S. S. Tope, Advocate for respondent Nos.2 to 5.

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

**RESERVED ON : 15 OCTOBER 2025
PRONOUNCED ON : 13 NOVEMBER 2025**

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. The petitioner in person contends that he is challenging the legality and validity of order dated 28.03.2023, whereby respondent No.2 refused him to register his name as research student for Ph.D. Degree Course on the ground that he has not qualified PET test. The petitioner in person submits that he had passed PET test in 2014 and possesses the certificate which has been endorsed as “valid forever”. The said certificate was ignored by respondent Nos.2 to 5. The petitioner is postgraduate in science faculty from respondent No.2 University. He was qualified to apply for Ph.D. course in respondent No.2 University. He was desirous of pursuing Ph.D. degree and therefore, applied and passed PET conducted by respondent No.2. Certificate was issued on 08.10.2014 regarding his qualification. Due to the non availability of the guide, he could not pursue his Ph.D. course till 2020. In the year 2020, he submitted online application to respondent No.3 for registration as research student. He presented his theme. The result of the Ph.D. admission process was declared on 06.01.2022 and petitioner’s name was not included in the said list. When grievance was made about non inclusion of his name, it was told that as he has not passed PET for the year 2021, his name has been dropped from admission process. The petitioner met respondent No.3,

who had given him oral assurance, that his grievance would be redressed by the University and he would be given admission. A news article regarding the statement of the Vice Chancellor of respondent No.2 was also published on 08.03.2022. Time and again he had requested respondent Nos.2 and 3 to incorporate his name in the admission process and admit him for Ph.D. course on the basis of the result of PET examination in 2014, however, when no action was taken, he preferred Writ Petition No.1292 of 2023 before this Court, wherein this Court had directed respondents to take decision about the grievance of the petitioner on or before 22.08.2023. Vide letter dated 28.03.2023, which was received by the petitioner on WhatsApp, it was communicated that his representation has been rejected.

2. The petitioner-in-person has taken us through all the documents and submits that when the certificate of Ph.D. Entrance test was given to him on 08.10.2014 it has endorsement “this certificate is valid forever”. Thereafter, due to the non availability of the guide, he could not pursue the same further, but when he was allowed to make presentation, the said certificate ought to have been considered by the respondent/authorities. Now, they are saying that since he has not cleared PET test, they are unable to give the admission. Some of his colleagues, who had cleared

the PET in 2014, were given admission at a later stage.

3. Learned Advocate for respondent Nos.2 to 5 relies on the affidavit-in-reply submitted by Mr. Vijay s/o Rajaram More, Deputy Registrar (Ph.D. Section), Dr. Babasaheb Ambedkar Marathwada University, Aurangabad stating that the material facts have been suppressed by the petitioner. It is suppressed by the petitioner that he had appeared for PET-2021 examination and had not cleared the PET-II paper. The PET exam status of the petitioner in the year 2021 is mentioned as not eligible. The petitioner has not mentioned this fact in the petition and is now taking help of the result of PET exam of the year 2014. There is typographical error when it is stated that the validity of the certificate is forever. As per Section 33(h) of the Maharashtra Public University Act, 2016 it is the power and duty of the Academic Council of the University to amend and repeal Ordinances and Regulations of the University. Rule 19 of the said Rules for conducting online PET says “The validity of PET will be for one academic year from the date of declaration of that PET result”. The Ordinance 1009 of the respondent University specifically mentions that the University shall issue the certificates to all PET qualified candidates. The certificate shall be valid for one academic year and, therefore, the petitioner’s request has been rejected.

4. Learned Advocate Mr. Tope appearing for respondent Nos.2 to 5 has then placed on record entrance test programme for PET-I and PET-II, 2021 and the result thereof and submits that due to the suppression of the material fact, the petitioner does not deserve any sympathy.

5. The first and the foremost fact to be noted is that the petitioner in person is relying on the certificate that came to be issued in his favour on 08.10.2014, which states that the certificate is valid forever. Even if that certificate is taken as it is, unless it is supported by the rules, it cannot be considered forever. In other words, the certificate will not prevail over the rules, rather the rules will prevail or control or guide the certificate. There is no challenge to the Rule 19 relied by respondent Nos.2 to 5. Further the amendments those have been made in the Rules after 2014 would govern the field. Challenge to the subsequent modifications in the Rules ought to have been immediately made. Even after the affidavit-in-reply was filed, there is no additional affidavit filed by the petitioner giving explanation for non clearance of PET-II exam in 2021. If he was relying upon the certificate issued in 2014, which stated that it is valid forever, why he appeared for the PET exam in 2021. When he had appeared and not cleared the PET exam in 2021, now he cannot bounce back and rely on the certificate issued on 08.10.2014. The rejection of admission by impugned

order/communication dated 28.03.2023 is justified. The petition suppresses the facts and, therefore, the petitioner is not entitled to get the relief. Certainly, he would be at liberty to appear for any such examination in future.

6. The writ petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm