

ITEM NO.14 Court 14 (Video Conferencing)

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 5075-5076/2020

(Arising out of impugned final judgment and orders dated 01-10-2019 in WP No. 4129/2017 & 17-01-2020 in RAC No. 215/2019 passed by the High Court Of Judicature At Bombay At Aurangabad)

DATTATRAYA GANGADHAR DALVI

Petitioner(s)

VERSUS

GODAWARI SHIVAJIRAO PAWAR & ORS.ETC.

Respondent(s)

(With IA No. 24934/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

CONMT.PET.(C) No. 668-669/2021 in SLP(C) No. 5075-5076/2020 (IX)
(FOR ADMISSION)

Date : 16-09-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Nishant Ramakantrao Katneshwarkar, AOR

For Respondent(s) Mr. Amol B.Karande AOR
Mr. Govind Ingole Adv
Mr. Mahesh B. Karande, Adv.
Mr. Vijay Khamkar, Adv

Mr. Sachin Patil, AOR
Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Mr. Vijay S. Khamkar, Adv.

Mr. Aniruddha P. Mayee, AOR

UPON hearing the counsel the Court made the following
O R D E R

SLP(C)Nos. 5075-5076/2020

Petitioner holds a degree of Ph.D. (Agricultural Botany) awarded to him by Swami Ramanand Teerth Marathwada University, "Dnyanteerth", Vishnupuri, Nanded-431606 (Maharashtra State) which was made the basis for his consideration for promotion to the post of Associate Professor (Agricultural-Botany).

Learned counsel for the respondents submits that Section 9 of the Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983 puts a complete prohibition that non-agricultural universities are not competent to award any kind of degree of an agricultural stream and this has been considered by the High Court in the impugned judgment.

After we heard counsel for the parties for some time and before we proceed further, it will be appropriate to implead Swami Ramanand Teerth Marathwada University, "Dnyanteerth", Vishnupuri, Nanded-431606 (Maharashtra State) through its Registrar as a party respondent in the instant petitions.

Amended cause title be filed within three days.

Notice be issued to the newly added/impleaded respondent, returnable in three weeks.

Dasti service, in addition, is permitted.

The newly added/impleaded respondent is also at liberty to file counter affidavit, if any.

During arguments, it has been brought to our notice that respondent no.1 was promoted to the post of Associate Professor after attaining eligibility by an order dated 30.01.2020 and this Court passed an interim order thereafter on 17.02.2020 and it

appears that this fact was not brought to the notice of this Court that the respondent no.1 has been promoted on 30.01.2020 after attaining eligibility of eight years of experience as Assistant Professor prior to passing an interim order by this Court on 17.02.2020.

Learned counsel for respondent no.1 submits that because of the interim order dated 17.02.2020 which has passed subsequent to his promotion as Associate Professor vide order dated 30.01.2020 he has been reverted to the post of Assistant Professor on 14.09.2020.

We consider it appropriate to direct the respondent nos.2 & 3 to allow the respondent no.1 to continue on the post of Associate Professor pursuant to order dated 30.01.2020 and that shall remain subject to the final outcome of the present pending Special Leave Petitions.

List Special Leave Petitions along with connected Petitions on 10.11.2021.

(NIRMALA NEGI)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)