

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7120 OF 2016

- 1) Dr. Santaji Krishna Shinde, Age: 41 yr,]
Occ.: Service, Residing at: Plot No.]
481, R.K. Nagar, Society No. 6,]
Panchgaon, Kolhapur.] ... Petitioner

Versus

- 1) Shivaji University Kolhapur, Through]
The Registrar Vidya Nagar, Kolhapur.]
- 2) The Director, Board of College and]
University Development, Shivaji]
University Kolhapur, Kolhapur:]
416004.
- 3) Principal, Annasaheb Dange College of]
Engineering, Astha, Walva, District:]
Sangli.]
- 4) University Grants Commission]
Bahadurshah Zafar Marg New Delhi –]
110002.] ... Respondents.

Mr. Anil Anturkar, Senior Advocate a/w Adv. Kalyani Talunkar a/w
Mr. Tanaji Mhatugade a/w Adv. Kashish Chelani a/w Mr.
Harshvardhan Suryavanshi for the Petitioner.

Mr. Yuvraj P. Narvankar a/w Mr. Harshvardhan Patil for the
Respondent No. 1.

Mr. Laxman Deshmukh (Through VC) for Respondent No. 3.

Mr. Rui Adelino Rodrigues, (Through VC) Advocate for Respondent No. 4.

CORAM : MRS. VRUSHALI V. JOSHI,
SANDESH D. PATIL, JJ.
RESERVED ON : 29th July, 2026.
PRONOUNCED ON : 7th August, 2026.

JUDGMENT: (PER: SANDESH D. PATIL, J).

1. **Rule.** Rule made returnable forthwith. By consent of the parties, the matter is taken up for final hearing.

2. The petitioner has filed the present petition *inter alia* praying for a direction against the respondent Nos. 1 and 2 to forthwith give approval to the selection of the petitioner to the post of Professor in Computer Science and Engineering. There is also a prayer for quashing and setting aside of the resolution of the academic Council dated 16.05.2015, thereby confirming the resolution of the Standing Equivalent Committee dated 30.03.2015. The relief is also sought for quashing and setting aside the letter dated 13.04.2015, given by the Director of respondent No. 2.

3. By virtue of an amendment relief was sought for quashing and setting aside the resolution of the Academic Council

dated 24.05.2019, as well as the resolution of Dean Committee dated 09.05.2019. The case in nutshell revolves around the Ph.D degree awarded to the petitioner from the Shri. Jagdishprasad Jhabarmal Tibrewala University at Jhunjhunu, Rajasthan (for short *"JJTU"*).

4. The respondent No. 3-College had invited applications for the post of Professor in their college. The petitioner who was awarded Ph.D., from the JJTU on 05.02.2016 applied for the same.

5. The petitioner had appeared for the interview on 21.02.2016. The petitioner was selected to the post of Professor, however, the respondent No. 2 refused to grant approval to the selection of the petitioner. The Academic Council confirmed the resolution of the Standing Committee on Equivalence wherein it was resolved that a degree conferred by the Rajasthan University is not equivalent to degree conferred by Shivaji University. The petitioner therefore filed the present petition.

6. During pendency of the petition, the Division Bench of this Court (Coram : S. C. Dharmadhikari & M. S. Karnik, JJ) vide Order dated 05.03.2019 passed an Order directing petitioner to

remain present before the “Sub-Committee on Equivalence” of the respondent No.1 and the Sub Committee was directed to decide the proposal of equivalence of the petitioner. The said proposal of the petitioner was rejected. The Dean Committee also recommended the rejection. The Academic Council resolved to accept the resolution of the Sub-Committee on Equivalence of the Dean committee, thereby rejecting the proposal for equivalence of the petitioner.

7. Mr. Anturkar, the learned Senior Counsel appearing for the petitioner argued that the respondent No. 1-Shivaji University had no authority to decide upon the merits of the Ph.D degree granted by the Rajasthan University. Respondent No. 1 erred in declining to grant equivalence. The learned Senior Counsel argued that two other persons namely Shri. Bhagwat and Shri. Bhadwankar, who had received Ph.D from the Rajasthan University had their degrees recognised by the Shivaji University in 2024.

8. He invited our attention to page no. 1289 and 1290 of the Petition and stated that the respondent No. 1 had earlier recognised the Ph.D degrees from the same University from which

the petitioner had obtained the Ph.D degree, it was therefore not proper on the part of the respondent No. 1 in not recognizing the degree of the petitioner. He argued that the Rajasthan University is a University recognised by the University Grants Commission (for short “UGC”). The degrees conferred by this institution were entitled to be recognised by other statutory University. He argued that once the respondent No.1 recognised identical degree of Ph.D from the JJTU of other candidates, it would be, improper and illegal on the part of the respondent No.1-University to reject the approval of the present petitioner. This according to him was discriminatory in nature. He stated that there was no requirement of deciding equivalence because the question of equivalence would arise when the degrees were different. He submitted that since the degrees conferred by the JJTU as well as by the respondent No. 1-University viz the Ph.D degree is same, there is no question of deciding equivalence.

9. He invited our attention to the various procedures followed by JJTU for the purpose of conferring the degree. He narrated as to how all the rules prescribed under the UGC rules are complied with by the JJTU and that it was not proper on the part of

the respondent No. 1-University to decline the petitioner of his legitimate rights. He submitted that if a university starts deciding upon the validity of the degrees conferred by another university, duly recognised by the UGC, then there would be an utter chaos. He stated that there were six reasons cited by the Academic Council for rejecting the petitioner's degree. He further argued that upon scrutiny, it is found that all these six reasons are irrelevant and unsustainable. He stated that there is an important distinction between assessing the equivalence of degrees and questioning the validity of degree conferred by recognised University. He questions the authority of the respondent No. 1-University to challenge the validity of a degree from another statutory University. He submitted that at the highest, the respondent No. 1-University could determine equivalence for academic purpose, however, that exercise could be undertaken only when the courses were different. He submitted that allowing universities to question each other's degree would restrict student and scholar mobility and would damage the creditability of India's higher education system. He invited our attention to the judgment dated 26th July, 2017 passed by this Court in the matter of

Dr. Sanjay Tejbahadur Singh Vs. The Registrar, Savitribai Phule Pune University & Ors., in Writ Petition No. 6978 of 2015 (CORAM : B. R. GAVAI, & RIYAZ I. CHAGLA, JJ.) and argued that, in that Judgment the Court had held that it is only for the UGC or the competent legislature either to enact legislation or frame regulations and to deal with a situation where the degree granted by one university can be challenged by another university. He argued that the Hon'ble Court in that matter had set aside the attempt on the part of Savitribai Phule University in questioning the Ph.D degree granted by the very same institution i.e. JJTU.

10. He also invited our attention to another judgment passed in the matter of ***Sanjivani Shripati Kamble vs. State of Maharashtra through Secretary Higher and Technical Education and others***¹, where the Division Bench [CORAM: B. R. Gavai and Sandeep K. Shinde, JJ] vide an order dated 06.11.2017, took a different view. He invited our attention to the observations of the Court in paragraph No. 12, where the Division Bench held that the view taken in the earlier Judgment (in the matter of ***Dr. Sanjay Tejbahadur Singh***

1 (2017 SCC OnLine Bom 9692)

(supra) cannot be said to be a view laying a correct proposition of law.

11. He further invited our attention to the judgment in the case of *Anand Yadav and others Vs. State of Uttar Pradesh and others [(2021) 12 SCC 390]*. He has relied upon paragraph No. 37.

12. After relying upon these three judgments he submitted that the Division Bench of the Bombay High Court [CORAM: B. R. Gavai and Sandeep K. Shinde, JJ.] ought not to have taken a contrary view than what was taken in the matter of *Dr. Sanjay Tejbahadur Singh (supra)*. He submitted that if at all the Division Bench wanted to take a contrary view, they could have referred the matter to the larger Bench and ought not to have passed the order, terming the judgment in *Dr. Sanjay Tejbahadur Singh (supra)* as that not laying down correct position of law.

13. He drew our attention to the Judgment in the matter of *Municipal Corporation of Delhi vs. Gurnam Kaur [(1989) 1 SCC 101]*, more particularly, to paragraphs 11 and 12 of the said Judgment. Paragraph Nos. 11 and 12 of the said Judgment read as

under:

“11. Pronouncements of law, which are not part of the ratio decidendi are classed as obiter dicta and are not authoritative. With all respect to the learned Judge who passed the order in Jamna Das case and to the learned Judge who agreed with him, we cannot concede that this Court is bound to follow it. It was delivered without argument, without reference to the relevant provisions of the Act conferring express power on the Municipal Corporation to direct removal of encroachments from any public place like pavements or public streets, and without any citation of authority. Accordingly, we do not propose to uphold the decision of the High Court because, it seems to us that it is wrong in principle and cannot be justified by the terms of the relevant provisions. A decision should be treated as given per incuriam when it is given in ignorance of the terms of a statute or of a rule having the force of a statute. So far as the order shows, no argument was addressed to the court on the question whether or not any direction could properly be made compelling the Municipal Corporation to construct a stall at the pitching site of a pavement squatter. Professor P. J. Fitzgerald, editor of the Salmond on Jurisprudence, 12th edn. explains the concept of sub silentio at p. 153 in these words:

" A decision passes sub silentio, in the technical sense that has come to be attached to that phrase, when the particular point of law involved in the decision is not perceived by the court or present to its mind. The court may consciously decide in favour of one party because of point A, which it considers and pronounces upon. It may be shown, however, that logically the court should not have decided in favour of the particular

party unless it also decided point B in his favour; but point B was not argued or considered by the court. In such circumstances, although point B was logically involved in the facts and although the case had a specific outcome, the decision is not an authority on point B. Point B is said to pass sub silentio.

12. *In Gerard v. Worth of Paris Ltd. (k)., [(1936) 2 All E.R. 905 (C.A.)], the only point argued was on the question of priority of the claimant's debt, and, on this argument being heard, the Court granted the order. No consideration was given to the question whether a garnishee order could properly be made on an account standing in the name of the liquidator. When, therefore, this very point was argued in a subsequent case before the Court of Appeal in Lancaster Motor Co. (London) Ltd. v. Bremith, Ltd., [(1941) 1 KB 675]., the Court held itself not bound by its previous decision. Sir Wilfrid Greene, M.R., said that he could not help thinking that the point now raised had been deliberately passed sub silentio by counsel in order that the point of substance might be decided. He went on to say that the point had to be decided by the earlier court before it could make the order which it did; nevertheless, since it was decided "without argument, without reference to the crucial words of the rule, and without any citation of authority", it was not binding and would not be followed. Precedents sub silentio and without argument are of no moment. This rule has ever since been followed. One of the chief reasons for the doctrine of precedent is that a matter that has once been fully argued and decided should not be allowed to be reopened. The weight accorded to dicta varies with the type of dictum. Mere casual expressions carry no weight at all. Not every passing expression of a judge, however eminent, can be treated as an ex cathedra statement, having the weight of authority.*

14. He submitted that as far as the second Judgment in the matter of ***Sanjivani Shripati Kamble (supra)*** is concerned, the Court had not considered the earlier Judgment in its proper perspective. He stated that the Division Bench in paragraph No. 13 of the said Judgment observed as under:

“13] However, in view of the other developments, we find that it will not be necessary for us to go into the question as to whether the Ph.D. degree awarded to the Petitioner by Manav Bharati University can be considered to be equivalent to the one granted by the Respondent No. 3-University. Admittedly, even prior to the filing of the Petition, the Petitioner had cleared her SET examination on 12th June 2014. It could thus be seen that the Petitioner possesses the necessary qualification to be appointed as librarian at least from 12th June 2014.”

15. He submitted that the issue of equivalence was not gone into by the Court at length and that only because the petitioner had cleared SET examination, it was held that the petitioner possesses necessary qualification. He submitted that, in any event, since it is the subsequent Judgment in the matter of ***Anand Yadav and others (supra)*** which is holding the field, hence the petitioner is not relying on either of the Judgments in the matter of ***Dr. Sanjay Tejbahadur***

Singh (supra) and in the matter of *Sanjivani Shripati Kamble (supra)*. He submitted that the Judgment in the matter of *Anand Yadav and others (supra)* clearly observes that if the two degrees are identical, there is no question of equivalence.

16. As far as the reasons given by the Committee are concerned, he contended that there is manifest arbitrariness. He submitted that the reasons given by the respondent No.1 cannot be considered to be legal and valid. As far as the second reason on page No. 63 relating to the 25 point parameter table is concerned, he submitted that the same was considered in the meeting dated 09.05.2019. He invited our attention to the meeting of the Dean Committee of respondent No.1 - Dr. P. D. Raut was said to be present on 09.05.2019 at 2.30 p.m. However, the said person was shown to be attending the meeting of the Equivalence Committee as well which was also held on the same day at the same time. Thus, he questioned the very authenticity of the two meetings which were held.

17. For the reasons mentioned above, he submitted that the petition deserves to be allowed entirely.

18. Mr. Narvankar, the learned Counsel appearing for the Respondent No.1-University argued that the degree in question is Ph.D degree. He argued that the Ph.D degree is essentially based on subjective analysis of the candidates which involves selection of topic, selection of guide, open interview, subjective analysis and successful defense in the Viva. All these ingredients essentially lacked in conventional degree which is based on objective analysis of the marks obtained in the subject. Therefore, equivalence of the examination is to be decided for the purpose of employment. He argued that in case of examination of the degree of candidates having Ph.D degree, the examination and employment cannot be set in different compartments. He argued that the Petitioner cannot seek to impugn the right of the University to examine the credential of other University which the Petitioner seeks to rely upon. He submits that Section 6(4) of the Maharashtra Private Universities (Establishment And Regulation) Act, 2023 recognizes the Universities which are recognized by the State Government and which are

deemed to have been established under the local legislation. The University in question namely JJTU does not feature in the schedule to the said Act.

19. Mr. Narvankar further submitted that for the purpose of keeping intact the academic autonomy, the concept of equivalence gains importance. He invited our attention to Section 2(5) of the Maharashtra Public Universities Act, which reads as follow:

“Autonomy means privilege of the university conferred by the Statutes to permit a college, institution or a university department to conduct academic programmes and examination, develop syllabus for the respective subjects and issue certificates of passing the examinations”.

20. He submitted that credential of JJTU are in question. He invited our attention to the UGC report dated 29.04.2011 which recommends against starting any course by the JJTU and cites specific reasons for such negative recommendation. He submitted that the Petitioner had registered himself with the said university just five days before the report was published. He submitted that the dates on which the Petitioner appeared for the entrance exam

(10.04.2011) and the date on which the Petitioner appeared for the entrance exam (17.04.2011), surprisingly fell on Sunday when no university will ever conduct an examination or interview.

21. He submitted that the Ph.D could be approved only if it is done in a regular mode. He further submitted that the admission notice dated 01.04.2011 of the JJTU does not indicate Computer Engineering as any of the available branches for pursuit of Ph.D. He laid much stress upon the clarification issued by the State Government that University shall be competent for employment related equivalence. He argued that after the order dated 05.03.2019 was passed by this Court, the Equivalence Committee was re-constituted who recorded sufficient reasons for not granting equivalence which were then forwarded to the Board of Deans who sought explanation from the JJTU regarding certain material aspects. In spite of receiving the letter, JJTU did not bother to respond the letter. The Board of Deans and academic council therefore recorded strong reasons for not recognizing the Ph.D granted by JJTU. He contended that although the Respondent-University has specifically sought impleading JJTU as a party Respondent to vouch for its

credential, the said University was never made a party. The application of mind by the Equivalence Committee, followed by the Committee of Deans and thereafter followed by the Academic Council, Resolution indicates a conscious application of mind by multiple experts and a reasoned order.

22. He submitted that the decision making process therefore cannot be faulted with and the decision of Equivalence Committee strictly being an academic domain would not be open for judicial interpretation. For the reasons mentioned above, he sought dismissal of the Petition.

23. Mr. Rui Adelino Rodrigues, the learned Counsel appearing for the Respondent No.4-UGC submitted that the UGC had already issued public notice of equivalence of degrees on 19.07.2016. The said public notice mentions that equivalence of degrees, diplomas, certificate, etc is not determined by the UGC. In the case of higher education, equivalence is to be decided by the concerned university and in case of employment, promotion etc, equivalence is decided by the employing organization.

24. He further submitted that University can definitely question the Petitioner on the issue of validity of the degree and that employer has right to take call. He submitted that Ph.D is a degree conferred by the University.

25. Heard the learned Counsel appearing for the parties.

26. This Court vide an interim order dated 05.03.2019 directed the Petitioner to remain present before the “Sub-Committee on Equivalence”.

27. This Court noted that the Petitioner would approach the Sub-Committee on Equivalence set by the University afresh and the University will apply its mind and the Sub-Committee on Equivalence will apply its mind. Accordingly the Petitioner was directed to appear before the Sub-Committee of Equivalence on 15.03.2019. The Court while passing the order had specifically noted that the Petitioner was approaching the Sub-Committee on Equivalence by keeping alive his objection to the jurisdiction and competence of the Respondent No. 1-Shivaji University to decide the validity of his degree.

28. The issue therefore arises before us what is the net result of the exercise carried out by the Respondent No. 1-University. By virtue of the decisions taken by the Committee of Equivalence, the Dean Committee and the academic Council they have come to a conclusion that the degree awarded by the JJTU University is not equivalent to the Degree awarded by the Respondent No. 1-University. The question therefore arises for consideration is whether it was within the jurisdiction of the Respondent No. 1-University to come to the conclusion that the degree awarded by the JJTU is not equivalent to the degree awarded by the Respondent No. 1-University.

29. The right to confer degrees is found in Section 22 of the University Grants Commissions Act, 1956 which reads is under:

22. Right to confer degrees.—

(1) The right of conferring or granting degrees shall be exercised only by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act or an institution deemed to be a University under section 3 or an institution specially empowered by an Act of Parliament to confer or grant degrees.

(2) Save as provided in sub-section (1), no person or authority shall confer, or grant, or hold himself or itself out as entitled to confer or grant, any degree.

(3) For the purposes of this section, “degree” means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the Official Gazette.”

30. Although the Division Bench of this Court in the matter of ***Sanjivani Shripati Kamble (supra)*** has held that the Ph.D. Degree awarded to the Petitioner therein by Manav Bharati University could not be considered to be equivalent to the one granted by the Respondent No. 1-University (Shivaji University) in the present case. The Court did not go much into the details in as much as the Petitioner therein had cleared her SET examination on 12.06.2014 and therefore the Petitioner possessed necessary qualification to be appointed as a librarian from 12.06.2014.

31. Thus the Judgment in the matter of ***Sanjivani Shripati Kamble (supra)*** would not serve us as pole star to guide us to the solution of the present case.

32. The judgment in the matter of **Anand Yadav and others** (*supra*), is of much importance to decide the issue in hand.

Paragraph No. 37 of the said Judgment reads as under:

“37. We may note that, sometimes, without looking into the real ratio decidendi, a judgment is followed as a precedent. This is what appears to have happened in the impugned order. There are even some other judgments of the High Courts, which in turn were then sought to be relied upon to canvas a proposition that there is a widespread acceptance of MEd not being equivalent to MA (Education). That they are two different degrees is obvious; this is even recognised by NCTE while emphasising the subtle distinction between the two degrees as one being a Master's degree but not a professional degree, while the other being a professional degree. If the two degrees are identical, there is no question of equivalence. The issue of equivalence only arises when there are two different degrees and what is to be decided whether for certain purposes they can be treated as equivalent. This is exactly what has happened as a result of the respective expert committees set up by Respondents 2 & 5. The employer i.e. Respondent 2, had accepted the recommendation of the expert committee. The UGC has also taken a stand that insofar as the two degrees are concerned, both are postgraduate degrees, and the equivalence authority being Respondent 5 has also opined on the basis of an expert committee, that the two can be treated as equivalent for the post of Assistant Professor in Education. Thus, it is neither for the contesting party i.e. Respondent 3, nor for this Court to sit as a court of appeal over the decision of the experts. We

may also note that Respondent 3 has in fact been selected in the 2014 selection process as per the final list released on 22-5-2018.”

(Emphasis supplied).

33. Thus in the present case, undoubtedly the degrees conferred by the JJTU and the Respondent No. 1-Shivaji University are identical namely Ph.D degree. This being the position there was no question of deciding equivalence. The Apex Court has in clear terms held that the issue of equivalence only arises when there are two different degrees and what is to be decided is whether for certain purposes they can be treated as equivalent.

34. The question of equivalence was decided by the Sub-Committee on Equivalence of the Respondent No. 1 on 16.03.2019 by virtue of an interim order dated 05.03.2019 passed in this very Petition. Needless to say the Petitioner had agreed to approach the Sub-Committee on Equivalence without prejudice to his rights.

35. The judgment in the matter of **Anand Yadav (supra)** was not available for the benefit of the learned Judges while passing the

order dated 05.03.2019, in this very matter nor to the judges deciding the matter of *Sanjivani Shripati Kamble (supra)* decided on 06.11.2017 so also it was not available to the learned Judges deciding the case of *Dr. Sanjay Tejbahadur Singh (supra)* on 26.07.2017.

36. After the judgment of the Apex Court in the matter of *Anand Yadav and others (supra)*, the issue stands resolved completely.

37. We, therefore, hold that since the degree of the Petitioner (Ph.D) obtained from the JJTU is identical to the degree of Ph.D conferred by the Respondent No. 1, there is no question of going into the equivalence of the same.

38. Having said so, the next argument of the Respondent No. 1 is required to be dealt with. It is contended by the Respondent No. 1 that the entire decision is a policy decision of respondent Nos.1 and 2. This being the policy decision of the employer viz. Respondent Nos. 1 and 2, this Court should be extremely slow in interfering with the same. The scope of judicial review is very settled. The Apex

Court in the matter of *Tata Cellular vs. Union of India [(1994) 6 SCC 651]* has also considered the scope of judicial review as under:

“77. The duty of the court is to confine itself to the question of legality. Its concern should be :

- 1. Whether a decision-making authority exceeded its powers?*
- 2. Committed an error of law,*
- 3. committed a breach of the rules of natural justice,*
- 4. reached a decision which no reasonable tribunal would have reached or,*
- 5. abused its powers.*

Therefore, it is not for the court to determine whether a particular policy or particular decision taken in the fulfillment of that policy is fair. It is only concerned with the manner in which those decisions have been taken. The extent of the duty to act fairly will vary from case to case. Shortly put, the grounds upon which an administrative action is subject to control by judicial review can be classified as under:

(i) Illegality : This means the decision- maker must understand correctly the law that regulates his decision-making power and must give effect to it.

(ii) Irrationality, namely, Wednesbury unreasonableness.

(iii) Procedural impropriety.

The above are only the broad grounds but it does not rule

out addition of further grounds in course of time. As a matter of fact, in R. v. Secretary of State for the Home Department, ex Brind [(1991) 1 AC 696], Lord Diplock refers specifically to one development, namely, the possible recognition of the principle of proportionality. In all these cases the test to be adopted is that the court should, "consider whether something has gone wrong of a nature and degree which requires its intervention".

39. The Respondent No. 1-University has clearly committed an error of law, the degree being identical, the question of equivalence could not be considered by the Equivalent Committee and therefore, we are justified in exercising judicial review in this case and we are very much within the scope of judicial review as contemplated in ***Tata Cellular (supra)***.

40. As stated above, the question of right to confer a degree can be traced out to Section 22 of the UGC Act which is reproduced in foregoing paragraphs, there is no right to question such degree granted by another University. Any other interpretation would do injustice to Section 22 of the UGC Act. There would be anarchy and chaos in the educational fabric of this nation. Every University would question the identical degrees conferred by another university.

41. The Dean Committee of the Respondent No. 1-University on 22.04.2019 wrote a letter to the JJTU, it appears that the Dean Committee was swayed away with the fact that no reply was received from the JJTU. This itself cannot be a ground to question the identical degree granted by the JJTU. Neither the Respondent No. 1 nor the Authority established under the Respondent No. 1 had any right to question the identical degree conferred by the JJTU or as a matter of fact by any other Institution.

42. In these premises, we hold that the resolution of the Academic Council of the Respondent No. 1 holding that the degree of Ph.D conferred by the JJTU cannot be treated as equivalent to the Ph.D degree of the Shivaji University cannot be sustained.

43. The advertisement in this case was issued in January-2016. The Petitioner applied for the said advertisement, the Petitioner received the call for interview on 01.02.2016 and for the first time on 13.04.2016 the Petitioner was informed that Ph.D degree of the Petitioner was not equivalent to the Ph.D. degree of the Respondent No. 1 and hence, his candidature cannot be considered.

44. The Respondent No. 3-College where the Petitioner had applied never objected to the degree of the Petitioner however the Respondent No. 1 did not grant approval to the degree of the Petitioner and hence his appointment could not be made. The Petitioner filed the present Petition immediately on 06.05.2016 i.e. within a period of one month and the Petition is pending before this Court since then. The Petitioner has always been pursuing his case diligently.

45. Before parting, we must note that the Respondent No. 1 had raised another contention that the UGC has directed the JJTU not to enroll any students in future. We must make it clear that we have not gone into the present status of the University and its competence to enroll the students after the year 2025. We have considered the status of the university as it stood at the time when the advertisement was issued.

46. In these premises the Petition deserves to be allowed. Hence the following order:

::ORDER::

a) The Resolution of the Academic Council dated 16.05.2015 thereby conferring the resolution of the Standing Equivalence Committee dated 30.03.2015 are quashed and set aside. The letter dated 13.04.2015 issued by the Respondent Nos. 2 is quashed and set aside. The Resolution of the Academic Council dated 24.05.2019, the resolution of the Dean Committee dated 09.05.2019 and the Resolution of the Sub Committee on Equivalence dated 09.05.2019 all are quashed and set aside.

b) The Respondent Nos. 1 and 2 are directed to give approval to the selection of the Petitioner to the post of Professor in Computer Science and Engineering forthwith.

c) Since the issue regarding the qualification of Petitioner was pending in this Court and that since the approval of the Petitioner will be sanctioned by the Respondent Nos. 1 and 2 henceforth, the Petitioner would be entitled to all the benefits, salary and other benefits/incentives from the date of his appointment only.

d) Rule is made absolute in the aforesaid terms.

47. With this observation, the petition stands disposed of.

48. All concerned to act on duly authenticated or digitally signed copy of this order.

(SANDESH D. PATIL, J.)

(MRS. VRUSHALI V. JOSHI, J.)