

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

WRIT PETITION NO. 3360 OF 2014

Dr. Ram Sitaram Baheti

.. Petitioner

Versus

The State of Maharashtra and Others

.. Respondents

Shri Vinod P. Patil, Advocate for the Petitioner.

Smt. S. A. Dhumal, A. G. P. for Respondent Nos. 1 to 4.

Shri S. G. Chapalgaonkar, Advocate for the Respondent No. 5.

Shri P. B. Patil, Advocate for the Respondent No. 6.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 11TH AUGUST, 2015.

PER COURT :

1. Mr. Patil, the learned counsel for the petitioner submits that, the petitioner completed 60 year's of age on 30 June, 2013. One year prior to the said date the petitioner was making representation with the respondents to consider the proposal of the petitioner for the benefit of extension of age of retirement. The first letter is given on 01st September, 2014 and consistently communications were made. Even, the Principal of the college sought guidance from the Social Welfare Department. The

learned counsel submits that, this Court in number of matters has considered that, the benefit of extension of age of retirement be given to the lecturers under the Social Welfare Department also. According to the learned counsel discrimination is made by the respondents in not considering the case of the petitioner. The petitioner satisfies all the requirements needed for the extension of age of retirement. According to the learned counsel, though today the petitioner has also attained the extended age of retirement, still, the extended period can be considered for monetary benefits.

2. Mr. P. B. Patil, the learned counsel for Respondent No. 6 states that, petitioner has approached this Court after he has retired from service. No relief can be given to the petitioner.

3. Mr. Chapalgaonakar, the learned counsel for the University submits that, at the relevant time there was no scheme and today the petition has become infructuous.

4. We have considered the submissions canvassed by the learned counsel for the respective parties.

5. The benefit of extension of age is not axiomatic. The benefit of the extension of age could be granted only if positive

recommendation is given by the Performance Review Committee. Today the petitioner has also crossed 62 years of age i.e. the extended age of retirement. The Performance Review Committee was never constituted. The petitioner approached this Court only in the month of March, 2014 i.e. nine months after he had retired from service and was relieved. Now, the petitioner has also crossed the extended age of superannuation. As referred above that, there can not be axiomatic extension of the age of retirement but is based on the report and the positive recommendations of the Performance Review Committee, which now is not possible. The case of the petitioner can not be considered.

6. The petitioner states that, petitioner be permitted to file representation with the Government.

7. Even, if the petitioner files representation that may not serve any purpose, as the petitioner has crossed the extended age of retirement.

8. In light of the above, writ petition stands disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]