

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

WRIT PETITION NO.490 OF 2014

Promod s/o. Gamanlal Jain,
Age: 60 Years, Occu. Retired,
R/o. Rath Galli, Navdurga, Chouk,
Chalisgaon, Dist. Jalgaon

PETITIONER

VERSUS

- 1] The State of Maharashtra,
Through Secretary of Higher Education
& Technical Education Department,
Mantralaya, Mumbai 32.
- 2] The Director of Higher Education,
Maharashtra State, Pune
- 3] The Joint Director,
Higher Education, Jalgaon.
[Copy to be served on Resp. No. 1 to 3
Through A.G.P. of this Hon'ble Court]
- 4] The Examination Controller or
Secretary of the Review Committee,
North Maharashtra University, Jalgaon,
Dist. Jalgaon
- 5] The Director,
B.C.U.D. [Board of Council &
University Department,
North Maharashtra University,
Jalgaon
- 6] Principal,
Nanasaheb Yashvantrao Narayanrao
Chavan Arts, Science and Commerce
College, Chalisgaon, Dist. Jalgaon

RESPONDENTS

...
Mr. P.B.Patil, Advocate for the Petitioner
Mr. A.V.Deshmukh, Advocate for the Respondent No.6
Mr. A.B.Girase, Advocate for the Respondent No.4
Mr. G.R.Ingole, AGP for the Respondent – State
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**CORAM: S.S.SHINDE &
P.R.BORA, JJ.**

Reserved on : 01.04.2015
Pronounced on: 18.04.2015

PER COURT: [Per S.S.Shinde, J.]:

1] Heard.

2] This Petition is filed taking an exception to the communication / letter dated 2nd April, 2013 issued by the respondent No.2 Authority to present respondent No.4 and further letter dated 24th May, 2013 issued by the respondent No.4 to the respondent No.6. The petitioner has further prayed that, respondent Nos. 1 to 5 may be directed to make a fresh scrutiny of the proposal dated 31st January, 2013 of the petitioner and after scrutiny of the said proposal, respondents may be directed to give two years extension to the petitioner's services and retain the petitioner in service on the post of Associate Professor with effect from 1st March, 2013 with the respondent No.6 College, and the respondent No.6 College may be directed

to allow the petitioner to join services forthwith on the post of Associate Professor.

3] The learned counsel appearing for the petitioner submits that, the petitioner was appointed on 1st August, 1986. The petitioner is praying direction to the respondents to give benefit of extension of two years in the age of superannuation i.e. instead of 60 years up to 62 years. As per the 'date of birth' of the petitioner in the office record, the petitioner stood retired on 28th February, 2013, due to completion of age of 60 years i.e. age of superannuation. It is submitted that, under the policy decision taken by the Government of Maharashtra by issuing Government Resolution dated 5th March, 2011 and 23.11.2011, the petitioner's case is fully covered, and therefore, petitioner requested the respondents for extension of two years period. It is submitted that, the respondent No.6, belatedly, forwarded the proposal of the petitioner to the respondent No.4 for extension of two years period. It is submitted that, the Review Committee has not properly scrutinized and studied the proposal of the petitioner for extension of two years service, and forwarded proposal of the petitioner with negative recommendation

to the State Government. Therefore, the learned counsel appearing for the petitioner submits that, Petition deserves to be allowed.

4] On the other hand, the learned counsel appearing for the respective respondents relying upon the reasons assigned in the impugned communication, and other documents placed on record, and reply filed by the respondent Nos. 1 to 3 submit that, Petition may be rejected.

5] We have given careful consideration to the rival submissions of the learned counsel appearing for the respective parties, with their able assistance, perused the pleadings, grounds taken in the Petition and annexures thereto, reply filed by the respondent Nos. 1 to 3 and the reasons assigned in the impugned communication, and also the reasons assigned by the Review Committee for not favourably recommending the proposal of the petitioner for extension of two years period.

6] On careful perusal of the documents placed on record, it appears that, the petitioner's proposal was

scrutinized by the Review Committee, and Review Committee has recommended that, extension should not be granted in case of the petitioner. The performance of the petitioner assessed by the Review Committee cannot be faulted, since the Committee has objectively looked into the proposal of the petitioner for extension of time. Perusal of the assessment of the performance Review Committee, it is manifest that, the Committee has properly considered the proposal. In our opinion, the Committee has objectively assessed the proposal and the documents while considering the case of the petitioner, and therefore, no case is made out to entertain the Petition, hence, Petition stands rejected.

Sd/-

**[P.R.BORA]
JUDGE**

Sd/-

**[S.S.SHINDE]
JUDGE**...
DDC