

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

WRIT PETITION NO. 3603 OF 2015

Dr.Rupa Shantilal Shaha

.. Petitioner

Vs.

1. The State of Maharashtra & Ors.

.. Respondents

Mr.Sanjiv A. Sawant, senior advocate a/w. Mr.Abhishek Deshmukh for petitioner.

Mr.A.I. Patel, AGP for State.

Mr.Suresh Shah for respondent nos.3 and 4.

CORAM : ANOOP V. MOHTA,

K.R.SHRIRAM, JJ.

DATE : 28TH APRIL, 2015

P.C.

1 The petitioner has filed this petition against the respondents for not forwarding the proposal of the petitioner thereby not extending the superannuation age upto 62 years and/or of the petitioner as the petitioner, as done in other cases. This Court passed various orders considering the scope, purpose and power including the entitlement of such petitioners claiming for extension of superannuation of age upto 62 years. Those orders are part of the record.

2 At this stage, we are concerned with the inaction on the part of the management for not forwarding the proposal/representation of the petitioner,

as stated, to have been given in January 2015. The statement is made that the same should have been given along with the necessary documents before six months. In the facts and circumstances of this case, it cannot be a reason for not considering the case of the petitioner as in other matters we have already permitted and directed the concerned Review Committee to deal with the such applications in accordance with law. In this case, even the Vice-chancellor, by a communication dated 15th April 2015 directed the Principal-respondent no.3 to forward the proposal of the petitioner for extension of the age limit along with his report to the University-respondent no.2. The petitioner is about to retire on 30th April 2015. Therefore, as there is urgency and as a case is made out, we are inclined to allow the present petition in terms of prayer clause (a), which reads as under :

(a) That this Hon'ble Court be pleased to pass an order, thereby giving appropriate directions to the respondents, especially respondent no.3-Principal to forthwith send the proposal of the petitioner to the respondent no.5-Shivaji University, Kolhapur and the respondent no.5 further be directed to forthwith send the proposal to the respondent no.1 and the respondent no.1 to take decision in view of order passed by the Hon'ble Court in Writ Petition No.2093 of 2011 and more particularly the Government Resolutions dated 25th February 2013 issued by the State of Maharashtra.

3 The respondent no.5 is directed to take decision as early as possible preferably within four weeks from today.

4 The writ petition stands disposed of accordingly with liberty. All points are kept open. No costs.

(K.R. SHRIRAM, J.)

(ANOOP V MOHTA, J.)