

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4512 OF 2014

Dr.Prakash S/o Pralhadji Ukey

-vs-

The Secretary Dept.of Medical Education & Research, Mantralaya, Mumbai and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.M.R.Khan, counsel for the petitioner.
Mr.T.R.Kankale, AGP for the respondents.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 25.03.2015.

By this petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal, dated 25/09/2013 dismissing the original application filed by the petitioner.

The petitioner, who was working as a Superintendent, in Occupational Therapy School and Centre in the Government Medical College, had filed an original application seeking a direction to the respondents-Authority to grant the benefit of Government Resolution dated 30/04/2010 to the petitioner, thereby extending his age of retirement from 58 to 62 years. The petitioner challenged the order superannuating the petitioner at the age of 58 years. By the impugned order, the Maharashtra Administrative Tribunal, dismissed the original application after holding that the benefit of the Government Resolution dated 30/04/2010 could not be granted to the petitioner.

On hearing the learned counsel for the parties, it appears that the Maharashtra Administrative Tribunal was justified in dismissing the original application filed by the petitioner. By the Government Resolution dated 30/04/2010, the age of retirement of the Director, Joint Director, Dean, Professor and Associate Professor, who hold medical qualifications, was extended from 58 to 62 years. The petitioner was working a Superintendent in the Occupational Therapy School and Centre of the Government Medical College, Nagpur. The Tribunal held that since the petitioner did not hold either any of the posts mentioned in the Government Resolution dated 30/04/2010, the petitioner could not have claimed the benefit under the said Government Resolution. The Tribunal also observed by considering the Government Resolution dated 30/04/2010 that for grant of the aforesaid benefits, the concerned employee was required to possess the degree of M.D./M.S./M.Sc.Ph.D. The Tribunal held that the petitioner did not possess the aforesaid qualifications and there was nothing on record to show that the post of Superintendent was declared equivalent to the posts mentioned herein above. In the circumstances of the case, the Tribunal rightly did not grant the benefit of the Government Resolution dated 30/04/2010. There is no error in the impugned order so as to interfere with the same, in exercise of the writ jurisdiction.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE