

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.12173 of 2005

ORDER:

This writ petition was filed assailing the action of Jawaharlal Nehru Technological University, Hyderabad, in seeking to retire the petitioner,

a Deputy Registrar in the service of the University, at the age of 58 years.

A consequential direction was sought to continue the petitioner in service till he attained the age of 60 years.

No interim orders were granted by this Court at the time of admission of this case.

A counter-affidavit was filed by the Registrar of the University stating that as per clause (ii) of sub-statute 25 of Statute XIV of the First Statutes of the University, which were published and notified by the State in keeping with Section 24 of the Jawaharlal Nehru Technological University Act, 1972, an employee of the University belonging to administrative services, ministerial services, subordinate (technical), subordinate (non-technical) and OTRI services shall retire upon attaining the age of 58 years. He further stated that as per sub-statute 37 of the Statute XIV, rules applicable to the services of the State Government shall apply to the services of the University in respect of all the matters which are specifically or by implication not covered by the said Statute. The Registrar therefore asserted that the Act and the Statutes of the University would alone prevail and that the service conditions applicable to other universities could not be applied to the employees of the University. He further pointed out that the statutory regime relating to Osmania University was quite different from that applicable to the Jawaharlal Nehru Technological University and therefore the judgment rendered by the Supreme Court in **Osmania**

University v. V.S. Muthurangam^[1] would have no application. He also stated that the petitioner was duly retired from service upon attaining the age of 58 years on 30.06.2005 and was granted due pensionary benefits as per rules.

Sri Sudheep Reddy, learned counsel representing Sri K. Raghuveer Reddy, learned counsel for the petitioner, contended that the Osmania University Act, 1959, as well as the A.P. Universities Act, 1991, provide for uniformity in the conditions of service of teaching and non-teaching staff and therefore, the same principle should be applied to those working in the Jawaharlal Nehru Technological University also.

It is however relevant to note that Section 38(1) of the Osmania University Act, 1959, specifically provided to the effect that the conditions of service relating to salaried officers of the University shall be uniform as far as possible. Same is the import of Section 39 of the A.P. Universities Act, 1991. However, no such similar provision is available in the Jawaharlal Nehru Technological University Act, 1972, or the Statutes framed in exercise of powers conferred thereunder. It is also relevant to note that the Statutes of the University and, more particularly, Statute XIV which provides for retirement of the non-teaching staff of the University at the age of 58 years is not subjected to challenge. As long as the Statutes of the University remain undisturbed, the University is bound to follow the same. This Court therefore cannot find any exception with the respondent University in implementing the mandate of clause (ii) of sub-statute 25 of Statute XIV of the First Statutes of the University.

The writ petition is therefore devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

18th September, 2015
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[\[1\]](#) AIR 1997 SC 2758