

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

**CIVIL APPLICATION NO. 5608 OF 2016
WITH
REVIEW APPLICATION ST. NO. 12317 OF 2016
IN
WRIT PETITION NO. 3107 OF 2008**

The State of Maharashtra & ors. .. Applicants

Versus

Bhapusha Ganpatrao Saknure .. Respondent

Mr.S.P. Sonpawale, A.G.P. for the applicants.
Mr.S.L. Bhapkar, Advocate for the respondents.

**CORAM : A.V.NIRGUDE &
A.M. BADAR, JJ.
DATED : 01.09.2016**

P.C. :-

1. Heard. For the reasons stated in the Civil Application, the delay caused in filing Review Application stands condoned. The Civil Application for condonation of delay is accordingly allowed.

2. Perused the order under review. Learned A.G.P. tried to suggest that the respondent was a non-teaching staff and therefore his age of retirement was 58 years as per regulation No.82 framed under Section 51 of the Maharashtra universities Act, 1994 as well as, as per Maharashtra Civil Service (Pension) Rules, 1982. This

submission is erroneous and was rejected even on earlier occasion. We placed reliance on definition of term "Teacher", which includes a "Librarian" or "Assistant Librarian" and therefore there is no case for review. Despite telling this to learned A.G.P., he insisted that we should hear him. He even tried to place reliance of Article 309 of the Constitution of India etc. We find the attempt to scuttle the order rather irritating.

3. The Review Application is rejected with costs of Rs.10,000/- (Rupees Ten Thousand Only).

[A.M. BADAR, J.]

[A.V.NIRGUDE, J.]