

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

931 WRIT PETITION NO.9964 of 2015

Harishchandra S/o. Jagannath Kale. ..Petitioner.

Versus

The State of Maharashtra
and others. .. Respondents.

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Mr. Niteen V. Gaware, Advocate for Petitioner ;
Mr. S.K.Tambe, AGP for Respondent Nos.1 to 3;
Mr. Girish S. Rane, Advocate for Respondent No.4.

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**CORAM : S.S. SHINDE &
P.R.BORA, JJ.**

DATE : 05th February, 2016

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PER COURT:-

1) Heard. This Petition takes exception to the impugned communication dated 20.9.2014, issued by respondent No.1 in favour of respondent No.2, thereby refusing to grant extension to the services of the petitioner up to the age of 65 years, on the post of Managing Director with Jamner Taluka Sahakari Sakhar Karkhana Ltd., Gondkhel, Tq. Jamner, Dist. Jalgaon.

2) The learned counsel appearing for the petitioner invited our attention to the contents of the

communication dated 20.09.2014 addressed by respondent No.1 to respondent No.2, and also the another communication dated 05.01.2015 between the said authorities and submits that, respondent No.1 ought to have considered the proposal of the petitioner on merits, instead of rejecting it, merely on the ground that, at the time of consideration of the said proposal, the petitioner has completed 65 years of age. Therefore, he submits that, respondent No.1 ought to have considered the said proposal on its own merits, and ought not to have rejected or refused the said proposal on the ground that, the petitioner has completed 65 years of age.

3) On the other hand, the learned AGP appearing for respondent - State, relying on the contents of the said communications and the averments in the reply, submits that, the proposal has rightly been rejected, therefore, this Court may not entertain the Petition.

4) We have heard the learned Counsel appearing for the Petitioner, learned AGP appearing for the respondent - State, and learned Counsel appearing for respondent No.4. With their able assistance, perused the contents of the Petition, annexures thereto, and affidavit in

reply filed by the respondent No.1, and also respondent No.4. Upon careful perusal of the contents of both communications, which are referred herein above, it is abundantly clear that, respondent No.1 has not considered the proposal forwarded by respondent No.4 to respondent No.1, for extension of services of the petitioner for one year, from 01.06.2013 up to 31.05.2014, on its merits. Therefore, in our opinion, ends of justice would be met, in case the respondent No.1 is directed to reconsider the said proposal on its own merits, in accordance with law, as expeditiously as possible, and preferably, within three months from today.

5) In the light of above, the impugned communications dated 20.09.2014 and 05.01.2015 stand quashed and set aside. Respondent No.1 is directed to reconsider the said proposal on its own merit, and not to reject the same again, on the ground that, petitioner has completed 65 years of age, as expeditiously as possible, and preferably, within three months from today, and to communicate the said decision to the petitioner, and also to respondent No.4.

Needless to observe that, respondent No.1 will be at liberty to call the petitioner and also respondent No.4 for hearing.

6) Writ petition stands disposed of on above terms.

7) Parties to act upon an authenticated copy of this order.

(P.R.BORA, J.)

(S.S.SHINDE, J.)

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S.P.Rane