IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5908 OF 2016

Dr.Ganpatrao Yashwant Shitole ..Petitioner

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. A.V.Anturkar, Sr. Advocate i/b. S.B.Deshmukh for the Petitioner.
Mr.Rui Rodriques for the Respondent No.3.,
Mr.P.G.Sawant, AGP for the Respondent nos.1, 2 and 4.

CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JULY 11, 2016.

P.C.

1. Heard Mr. Anturkar, learned Senior Counsel for the petitioner, and Mr. Rodriques and Mr. Sawant for the respondent no.1 and respondent no.3 respectively.

2. The petitioner is working as the Principal of Smt. Nathibai Damodar Thackersey Arts and Commerce College for Women, at Pune since 6th January, 2014. At the time of his appointment, the petitioner was 59 years old and he was due to superannuation on 1st

June, 2016, after attaining age of 62 years. The petitioner claims that he is entitled to continue till completion of 65 years relying upon the Government resolution dated 5.3.2011. Apprehending that he will be retiring on attaining 62 years of age, he files the present petition seeking direction to the respondent to comply with the paragraph nos.8(2) and 11(5) of the said resolution dated 5.3.2011, and consider the petitioners application dated 27th April, 2016 for extension of his tenure for a period from 62 years to 65 years.

3. The respondent State, as well as the Registrar, SNDT Womens University have filed separate affidavits opposing the petition. It is pointed out that in compliance of the said GR, the selection process of new principal is already completed and the candidate who has to be appointed in place of the petitioner is already selected on 26th May, 2016. The relevant averment is made in the affidavit of the Registrar, SNDT.

4. In the above circumstances, we find that no case is made out for extension of the petitioner's tenure from 62 to 65 years of age.

5. By the interim order passed on 25th May, 2016 directions to continue the petitioner in service even after he attains age of 62 years

were given and in pursuance to this direction, as of today the petitioner is continued to be in service of the said college as Principal, despite his attaining age of superannuation from 1st June, 2016.

6. We accordingly direct that the service rendered by the petitioner subsequent to his attaining age of superannuation may be considered while fixing the pensionary benefits to the petitioner.

7. Petition accordingly is disposed of. Ad-interim relief granted earlier stands vacated.

(ANUJA PRABHUDESSAI, J.) **(RANJIT MORE, J.)**