

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.463 OF 2016

[Dr. Rajendra Pandurang Bahale .vs. The State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.A. Haque, counsel for the petitioner,
Mrs. A.R. Kulkarni, AGP for respondent nos.1 and 2,
Mrs. A.S. Bhandarkar, counsel for respondent no.3,
Shri P.P. Thakre, counsel for respondent no.4.

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CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : APRIL 22, 2016.

By this writ petition, the petitioner challenges the order of the respondent no.4-College proposing to terminate the services of the petitioner on attaining the age of superannuation, dated 23.7.2015.

The petitioner seeks a direction to the respondents to extend the age of superannuation of the petitioner from 60 to 62 years.

The relief sought by the petitioner cannot be granted in the circumstances of the case. The petitioner is due to retire on attaining the age of superannuation on 31.1.2016. It is stated on behalf of the respondents that after the interim order was passed by this court and the petitioner was continued in service, on 8.2.2016, the petitioner was caught red-handed while accepting the bribe from the students for increasing their marks. It is stated on behalf of the State Government that the petitioner was behind bars for sometime. By the concerned Government Resolution, the age of retirement of competent and eligible Lecturers is sought to be extended. In the case like the one in hand where the petitioner was allegedly caught red-handed,

while accepting the bribe and when the proceedings are pending against the petitioner under the provisions of the Prevention of Corruption Act, a direction cannot be issued against the respondents to extend the age of retirement of the petitioner from 60 to 62 years. We decline to exercise the discretion in favour of the petitioner for granting the relief. Also, it appears that it is the case of the respondents that the State Government has not yet decided to grant extension of age of retirement of the Lecturers in Physical Education Colleges of the State Government.

In view of the aforesaid, we dismiss the writ petition, with no order as to costs.

JUDGE

JUDGE

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