

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13950 OF 2016

WITH

CIVIL APPLICATION NO. 1313 OF 2017

Prof. Dr. M.R. Khan	...	Petitioner
Vs.		
The Chairman, Anjuman Khairul Islam & Ors.	...	Respondents

WITH

WRIT PETITION NO. 268 OF 2017

WITH

CIVIL APPLICATION NO. 1312 OF 2017

Dr. T.S. Kamble	...	Petitioner
Vs.		
The Secretary Maharashtra Education Society & Ors.	...	Respondents

Mr. S.A. Sawant, Adv. for the Petitioner in both Writ Petitions.

Mr. Prosper D'Souza, h/f. Mr. Rajendra Anbhule, Adv. for the Applicants in Civil Application No. 1312 of 2017 in WP No. 368 of 2017 and in C.A. No. 1313 of 2017 in WP NO. 13950 of 2016 and for Respondents Nos. 3, 4 & 5 in WP No. 13950 of 2016 and for Respondents Nos. 2,4 & 5 in WP No. 268 of 2017.

Mr. V.N. Sagare, AGP for Respondents Nos. 6 to 8 in both Writ Petitions.

**CORAM : B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.**

DATE : 29 JUNE 2017.

P.C.:-

1. The Petitioners in both Writ Petitions have approached this

Court challenging the validity of Government Resolution dated 12th July 2016, vide which the age of superannuation of the teaching staff in the aided government college has been brought down to 60 years.

2. Heard Mr. Sawant learned counsel for the Petitioners and Mr. D'Souza for the Respondents University and Mr. Sagare, learned AGP for State.

3. Mr. Sawant, learned counsel for the Petitioners submit that the decision of the State Government of bringing down the age of retirement from 62 to 60 is totally arbitrary and therefore bad in law.

4. We find no merit in this submission. Admittedly while the teaching staff like Petitioners entered into services, they were very well aware that their superannuation age is 60 years. Only during the period when they were in services, as a concession, the State Government vide Government Resolution dated 5th March 2011 has increased the same from 60 years to 62 years. However, subsequently by the Government Resolution dated 12th July 2016, the government has taken a conscious decision to again bring down the age to 60

years and not to consider any case on any ground for extension of age of superannuation from 60 to 62 years.

5. The Petitioners would have had a good case, had the service condition while appointing them provided the age of superannuation at 62 years. Such is not the case here.

6. In that view of the matter, there is no vested rights in the Petitioners to continue for 62 years. Merely in the intervening period for some reason the State Government had decided to increase the age of superannuation by two years and that too for some period, cannot create any right in favour of the Petitioners.

7. In that view of the matter, we find no merits in the Writ Petitions. Hence Writ Petitions are rejected. So also both Civil Applications also stand disposed of.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI J.)