

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

WRIT PETITION NO. 1281 OF 2017

(The State of Maharashtra thr. its Secretary, Higher and Technical Education Department &
Ors. .vs. Dr. Bhojraj Baswantrao & Ant.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.
MARCH 03, 2017.**

Heard Shri N.S. Rao, learned AGP for the petitioners and Shri V.A. Kothale, learned counsel for respondent no.1.

2. Perused the order of Maharashtra Administrative Tribunal (MAT).

3. Respondent No.1 is continuing beyond 60 years and now after about six months, he will complete the age of 62 years.

4. The submission of learned AGP is, Departmental Inquiry is pending against Respondent No.1 and his confidential record is not satisfactory.

5. Shri Kothale, learned counsel submits that it is irrelevant as Performance Review Committee has recommended the case of respondent No.1 for extension up to 62 years.

6. We have perused paragraphs 6 & 7 of the judgment delivered by the MAT as also reply filed before the MAT by the State. The terms and conditions in paragraph 11 of Government Resolution dated 05.03.2011 nowhere stipulate that if the Departmental Inquiry is pending, extension in the age of retirement cannot be allowed. Moreover, if the Departmental Inquiry is dropped or the applicant there(present respondent) is exonerated, he will be entitled to continue.

7. In this situation, no case is made out. Writ Petition is rejected. No order as to costs.

JUDGE

JUDGE

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