

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition Nos.3806 and 11809 of 2009

COMMON ORDER :

These two writ petitions are being disposed of by this common order :

These writ petitions were filed challenging the action of the 1st respondent in not implementing the enhanced age of superannuation from 60 to 65 years to the University Teachers keeping in view of the recommendations of the 3rd respondent-committee as approved by the 4th respondent vide proceedings dated 31.12.2008.

There was no interim order granted in these writ petitions.

The counter-affidavit is filed by the University stating that the guidelines issued by the University Grants Commission recommending the enhancement of the age of superannuation from 60 years to 65 years, is not binding on the University or the State Government. The State Government do have the discretion to accept or not to accept depending on the financial health of the Government or depending on the allocation of budget for Higher Education or depending on the appropriate policy decision taken. A clear ratio to that extent was laid down by the Hon'ble Apex Court in *Bharat Kumar Vs. Osmania University and others*¹. Unless and until the policy decision is taken by the Government of Andhra Pradesh, which is the funding agency of the

¹ 2007 (5) SLR 267

university, it will not be possible for the university to take any decision on the representation submitted by the petitioners herein. The writ petitions are not maintainable as per the clear ratio laid down by the Hon'ble Apex Court and are liable to be dismissed.

In view of the stand taken by the University and also in view of the lapse of time, nothing survives for adjudication in these writ petitions.

Writ Petitions are accordingly dismissed as infructuous. There shall be no order as to costs in both the writ petitions.

Consequently, Miscellaneous Petitions pending, if any, in these matters shall stand closed.

A.RAMALINGESWARA RAO, J.

5th July, 2017

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