

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3683 of 2007**

Tahir Husain Jafri S/o. S. Dilshad Ali Jafri, Aged about 62 years,
Occupation Government Service (Principal in Govt. Girls College,
Durg, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, Department of Higher Education, D.K.S. Bhawan, Raipur, Chhattisgarh
2. Union of India, Through Secretary, Ministry of Human Resource Development, Department of Higher Education, New Delhi.
3. University Grants Commission, Through: Joint Secretary, Department of University Grants Commission, Bahadur Shah Safar Marg, New Delhi, 110002

----Respondents

For Petitioner	:	None
For State	:	Mr. B. Gopa Kumar, Dy. A.G.
For Union of India	:	Ms. Poornima Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/04/2018**

1. None for the petitioner when the matter is called. Considering the fact that the matter is of the year 2007, this Court proceeded to decide the writ petition with the assistance from the learned Dy. A.G. as well as the counsel appearing for the respondent No.2-Union of India.
2. The grievance raised by the petitioner in the present writ petition is that since the petitioner was working as a Principal, Govt. Girls College, Durg and was issued with a notice of retirement w.e.f. 30.06.2007. He has sought for the intervention of this Court directing the respondents to ensure that the age of retirement of the petitioner and other similarly placed persons be enhanced from 62 to 65 in the light of the decision of the Central Government, where the Central

Government has taken a decision on 23.03.2007 for enhancing of the age of retirement from 62 to 65. The claim of the petitioner also was that subsequently the University Grants Commission also has proposed for enhancement of the age of superannuation of the persons employed in the teaching position from 62 to 65.

3. Learned Deputy A.G. on instructions received from the State Government submits that the State Government as a policy decision in the year 2012 have enhanced the age of superannuation of the persons employed in the teaching position in the Higher Education department of the State Government from 62 to 65 and the said policy decision has been made prospective. Since the petitioner by then had already retired w.e.f. 30.06.2007, the benefit of enhanced age of superannuation could not be given to the petitioner, neither would he had been entitled as on the date of his retirement, there was no policy for enhancement of age.
4. So far as the circulars and orders of the Central Government is concerned, the same would be applicable in respect of only those persons who have been appointed by the Central Government for teaching in the centrally funded institutions and in the higher and technical educational institutions under the Ministry of Human Resources Development, Government of India. The same automatically would not be applicable to the staff and teachers appointed by the State Government, where the age of superannuation is decided by the State Government as a policy decision.
5. Similarly, also the benefits extended by the University Grants

Commission also is only a recommendation, which has to be accepted by the State Government as a policy decision and which again was for all the Central Universities as well as the Deemed Universities.

6. The petitioner in the instant case was a person appointed by the State Government in the Higher Education Department of the State services, where the recruitment rules of the State would be applicable and unless the policy of the State Government is amended, the age of retirement would not automatically stand enhanced so far as the petitioner is concerned.
7. Given the facts and circumstances of the case, this Court does not find any strong case made out by the petitioner.
8. The writ petition accordingly stands dismissed.

Sd/-
(P. Sam Koshy)
Judge