

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 10767 OF 2014
WITH
CIVIL APPLICATION NO. 240 OF 2018
IN
WRIT PETITION NO. 10767 OF 2014**

Babulal Shivilal Chandrabansi

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. Anandsing Bayas, Advocate for petitioner.

Mr. S.B. Joshi, A.G.P. for respondent nos. 1, 3 and 4.

Mr. S.S. Manale, Advocate for respondent no.5.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 26th OCTOBER, 2018

ORDER :

Mr. Bayas, the learned Counsel for the petitioner submits that the petitioner, at the relevant time, was working as Assistant Professor with the respondent – College. He would have attained the age of superannuation on 30th November, 2014. University Grants Commission extended the age of retirement of the Assistant Professor till age of 62 years. The college submitted the proposal for the age of superannuation of the petitioner to the Performance Review

Committee of the university, pursuant to the order of this Court. It is only when the petitioner applied under Right to Information Act, he came to know about the report of the Performance Review Committee regarding his superannuation is negated. The report of the Performance Review Committee states that only because the petitioner did not obtain Ph.D. qualification, same is negated. Till the age of 60 years, same was not required. It is highly impossible that within two years the respondent could expect to complete Ph.D. qualification. According to the learned Counsel, the petitioner possesses necessary qualification for the said post. The report given by the Performance Review Committee negating the proposal seeking extension of age of retirement is erroneous.

2. We have heard the learned A.G.P. and the learned Counsel for respondent no.5.

3. The decision of the Performance Review Committee is placed on record. It is not only on the ground that the petitioner does not possess Ph.D., the proposal has been negated, but in respect of other parameters also the Performance Review Committee found the petitioner not eligible. We may not sit in appeal over the decision of the Performance Review Committee. It appears that the Performance Review

Committee has taken decision in November, 2014. The petitioner was granted interim relief by this Court. The petitioner cannot take advantage of the interim order passed against him.

4. Considering the report of the Performance Review Committee, no case for entertaining the petition is made out. The respondents shall process the retiral benefits and pension of the petitioner considering his age of retirement as 60 years. Same shall be processed and paid as may be admissible and permissible to the petitioner in accordance with law. Writ petition is disposed of. No costs. In view of disposal of writ petition, civil application also stands disposed of.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

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