

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

**WRIT PETITION NO. 7042 OF 2013**

Appa Kallappa Karadige

... Petitioner

Vs

1 The State of Maharashtra & Ors.

... Respondents

Mr. Sarnath Sariputta Pramod for the Petitioner.

Mr. V.M. Mali, AGP, for the Respondent Nos.1 and 2-State.

**CORAM : S.C. DHARMADHIKARI &  
SMT. BHARATI H. DANGRE, JJ.**

**MONDAY, 19TH NOVEMBER, 2018**

**P.C. :**

1           On a certain occasion, the Government enunciated its policy and increased the age of retirement for teachers from the stipulated 60 to 62 years.

2           In this extended period, the petitioner claims to have put in service. He claims to have put in service upto 31<sup>st</sup> May, 2013, on which date, he attained the extended age of superannuation. He claims that he was not paid arrears of salary

with effect from 1<sup>st</sup> July, 2012, and for this differential period, that be computed and attendant benefits be released to him is the prayer in the writ petition.

3           On a careful perusal of this writ petition, we do not find this to be the admitted position. The petitioner himself is in doubt whether he has indeed rendered actual service for even if the Government Resolution enunciating the policy is placed on record, still, to avail the benefit thereof, the petitioner will have to establish and prove that there was indeed a classroom and with students, there was a continuous workload and post attaining 60 years age, the college still had the student strength which necessitated the party like the petitioner being invited to take classes and teach students. From paragraph 20 of the petition, it is evident that the petitioner may claim that he went to the college premises, but on his own showing, he has not signed the Attendance Register / Muster Roll nor was assigned any teaching duties. He has not taught any students.

4           In the circumstances, we do not think that in writ jurisdiction we should enter into a disputed territory and decide

whether the petitioner at all went and reported for duties and whether the petitioner was refused work as claimed by him. The writ jurisdiction is not the forum to adjudicate such factual disputes. We do not think that we can entertain the writ petition. It is dismissed.

*SMT. BHARATI H. DANGRE, J.*

*S.C. DHARMADHIKARI, J.*