

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

WRIT PETITION NO.4026 OF 2002

[Sudhakar Wasudeo Pranjale .vs. The Union of India and others]
 with

WRIT PETITION NO.2195 OF 2002

[The Institute of Science Teachers' Association, Nagpur and others .vs. The Union of India
 and others]
 with

WRIT PETITION NO.1266 OF 2006

[Association of Maharashtra Educational Services Class-1 Officers .vs. The Union of India
 and others]

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

Court's or Judge's orders

Shri Jitendra Matale, Advocate holding for Shri R.S. Parsodkar,
 Advocate for petitioners in WP No.2195/2002,

Mrs. A.R. Kulkarni, AGP for respondent no.3-State.

.....

CORAM : B.P. DHARMADHIKARI AND
MRS. SWAPNA JOSHI, JJ.

DATED : JANUARY 25, 2018.

1) Petitioners in these petitions are the teachers working in government institutions and their grievance is decision vide Government Resolution dated 9.4.2002 laying down/decreasing age of superannuation from 60 to 58 years is unconstitutional.

2) During hearing, our attention has been drawn to order passed by the Hon'ble Apex Court in Civil Appeal No.10994/1996 on 29.08.2001 (State of Maharashtra and another .vs. Association of Maharashtra and others). There, the Hon'ble Apex Court has relied upon its earlier judgment reported at 1992 Supp. (3) SCC 191 (T.P. George and others .vs. State of Kerala and others). It is pointed

out that there the Apex Court has taken a view that teachers of universities and teachers of private institutions constituted different class and, therefore, different ages of retirement could have been prescribed for them. This judgment has been used to quash and set aside the judgment delivered by this Court and the Hon'ble Apex Court has held that no parity could have been seen in the employees of government colleges and private colleges.

3) This logic applies even in the present matter with full force. The petitioners claim parity with employees of private institutions and question reduction of age of retirement from 60 to 58 on that ground. We, therefore, find controversy already answered against petitioners. Accordingly, we discharge Rule and dismiss Writ Petitions. No costs.

JUDGE

JUDGE