

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE : 27.11.2018

CORAM
THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 17645 OF 2018
AND
W.M.P. Nos. 20907 TO 20909 OF 2018

1. Dr. K.M.Chinnadurai
2. Dr. D.Srinivasan
3. Dr. C.Loganathan
4. Dr. A.Murugavel
5. Dr. K.V.Surendiran

.. Petitioners

- Vs -

1. The Prl. Secretary to Government
Higher Education (H1) Department
Fort St. George, Chennai - 9.
2. Registrar, Bharathiar
University, Coimbatore - 46.
3. The Director of Collegiate Education
9th Floor, EVK Sampath Buildings
College Road, Chennai 600 006.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the 1st respondent in Letter No.10842/H2/2018-1 dated 27.6.2018 and quash the same as illegal and consequently direct the respondents to permit the petitioners to continue their services till they attain the age of 65 years on superannuation.

For Petitioners : Mr. K.Venkataramani, SC, for
Mr. M.Gnanasekar

For Respondents : Ms. P.Kavitha, GA (Edn.)

ORDER

This writ petition has been filed challenging the order of the 1st respondent dated 27.6.18 and to quash the same as illegal and, consequently, direct the respondents to permit the petitioners to continue in the service till they attain the age of 65 years on superannuation.

2. The facts in brief are that on 18.5.03, G.O. Ms. No.325, Higher Education (H1) Department was issued by the 1st respondent, wherein all the Registrars of all the Universities and the Director of Collegiate Education had been informed that no retired teachers after the age of 62 years be appointed in any statutory or even non-statutory position in the Universities/Colleges. Later, in the year 2010, Regulations of the UGC were framed, in which, Regulation 2.3.2 deals with the retirement age of teachers, which further mandates that subject to availability of vacant position and fitness, teachers such as Principal, Professors, Associate Professors, Assistant Professors are re-employed on contract appointment beyond the age of superannuation as applicable to the concerned University, College and Institution upto the age of 70 years, provided that all such re-employment shall be strictly in accordance with the guidelines prescribed by the UGC from time to time.

3. Pointing out the above UGC Regulations, learned senior counsel for the petitioners submit that the petitioners must be permitted to continue their services atleast upto the age of 65 years if not to the age of 70 years.

4. Learned Government Advocate, who accepts notice on behalf of the respondents, pointed out the resolution passed by Bharathiar University, wherein it was resolved to continue the existing system of permitting the Principal upto the age of 65 years. Further, it was also resolved to represent the matter to the Government for getting exemption quoting UGC norms for relaxing the age limit of the Principals to 65 years. Later, by letter dated 27.6.18, the Government has rejected the proposal for increasing the age to 65 years. Such being the case, it is submitted by the learned Government Advocate that after the order of the Government, which was communicated vide letter dated 27.6.18, there is no question of requesting the Government to consider the case once over.

5. This Court considered the rival contentions advanced on either side and perused the materials available on record. The age at which the Principal of the College or Head of the Institution would retire, whether at the age of 62 years or 65 years or 70 years is necessarily a policy decision of the Government in which seldom the Courts interfere. Therefore, this Court is of the considered view that the age of retirement fixed by the Government being a policy decision, this Court cannot interfere in such decisions. Therefore, the prayer as made by the petitioners for grant of extension of their service based on the UGC Regulations cannot be entertained.

6. for the reasons aforesaid, this writ petition fails and the same is dismissed. Consequently, connected miscellaneous petitions are also dismissed. However, there shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

GLN

To

- 1.The Prl. Secretary to Government
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- 2.Registrar, Bharathiar
University, coimbatore - 46.
- 3.The Director of Collegiate Education
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College Road, Chennai 600 006.

+1cc to Mr.M.Gnana Sekar, Advocate, S.R.No.81011
+1cc to the Government Pleader, S.R.No.81375

W.P. NO.17645 OF 2018

rrs 02/01/2019

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