

JPP

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

WRIT PETITION NO. 9319 OF 2016

Dr. Ranoji Namdeo Salve & Ors. ... Petitioners.
V/s.
State of Maharashtra & Ors. ... Respondents.

Mr. Prabhanjan Gujar for the Petitioners.
Mr. M.M. Pabale, AGP for the State – Respondent Nos. 1 to 3.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 26 JUNE 2019.

P.C. :-

1. Regretfully, the Writ Petition which was filed in August 2016 could not be taken up for even a preliminary hearing and today is the first date when the Writ Petition has been listed for a preliminary hearing.

2. The Petitioners were working as Professors or Associate Professors under Colleges affiliated to the 4th Respondent University.

3. Age of superannuation of the teaching fraternity notified by the University and applicable to its affiliated or constituent colleges was 60 years. By a Government Resolution dated 25.02.2011, extension in service by two years was permissible upon evaluation of the performance of the teaching faculty. The Petitioners attained the age of superannuation i.e. 60 years on different dates between 28.12.2015 and 05.04.2016. Their case for extension in service was being considered when a Government Resolution dated 12.07.2016 was issued revoking the Government Resolution dated 25.02.2011. The said Resolution specifically records that those who have been conferred benefit of extension in service shall continue to avail the benefit and those whose cases are pending for consideration would not be entitled to continue in service.

4. Since Petitioner's case for extension in service was under consideration when Government Resolution dated 12.07.2016 was promulgated, no benefit as prayed for can be granted to the Petitioner. We cannot direct their service to be extended by two

years. Even otherwise, said two years' period came to an end between 28.12.2017 and 05.04.2018.

5. The Petition is dismissed.

N.M. JAMDAR, J.

CHIEF JUSTICE