IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WRIT PETITION (S/B) NO. 569 OF 2019

Dr. Suresh Charan Bahuguna ……..Petitioner.

Vs.

State of Uttarakhand and others. ....Respondents.

Sri Sanjay Bhatt, learned counsel for the petitioner.
Sri Vikas Pandey, learned Standing Counsel for the State of Uttarakhand / respondent nos. 1 to 4.

Dated : 18th February, 2020

Coram: Hon'ble Ramesh Ranganathan, C.J.
Hon'ble R.C. Khulbe, J.

Ramesh Ranganathan, C.J. (Oral)

Heard Sri Sanjay Bhatt, learned counsel appearing on behalf the petitioner, and Sri Vikas Pandey, learned Standing Counsel appearing on behalf of respondent nos. 1 to 4, and, with their consent, the writ petition is disposed of at the stage of admission.

2. The petitioner was hitherto posted as a Principal of Swami Sachidanand Ved Bhawan Sanskrit Mahavidhyalaya, Rudraprayag. It is his case that while, ordinarily, the age of superannuation of teachers, including principals, is 60 years, Government Order dated 29.08.2005 was issued conferring the benefit of extension of two years of service on such of those teachers who received the President / Governor's medal for excellent performance in teaching. The petitioner claims that he received the President's medal in the year 2008 for the excellent services rendered by him in teaching in the year 2007. It is also his case that the 5th respondent-Committee of Management had submitted a proposal to the Chief Education Officer in January, 2019 which, in turn, was forwarded to the Director, who had submitted a favourable proposal to the State Government; and the matter is still pending before the first respondent.

3. While matters stood thus, the services of the petitioner were dispensed with on 30.06.2019 on the ground that he has completed 60 years of age in the month of June, 2019.

4. Sri Sanjay Bhatt, learned counsel for the petitioner, would further state that, in addition to his right to be granted extension of service of two years, the petitioner is also entitled for the session-end benefit; he should ordinarily have been continued in service till 31st March, 2020 even treating his age of superannuation as 60 years; and, if he is extended the benefit of the Government Order dated 20.08.2005, he would be entitled to continue in service till the end of the year in which he attains the age of 62 years i.e. till 31st March, 2022.

5. As the matter is still pending consideration before the first respondent, it would be wholly inappropriate for us to express any opinion on whether or not the petitioner is entitled for such a benefit, for these are all matters which the first respondent is required to examine in the first instance. Instead of keeping the writ petition pending on the file of this Court, suffice it to direct the first respondent to consider the proposal submitted by the 5th respondent-Committee of Management, and pass appropriate orders thereupon in accordance with law with utmost expedition and, in any event, within four weeks from the date of receipt of a certified copy of this order. The first respondent shall pass a reasoned order, and communicate his decision to the petitioner within the afore-mentioned period of four weeks.

6. The writ petition is disposed of accordingly. No costs.

(R.C. Khulbe, J.) **(Ramesh Ranganathan, C.J.)**
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