

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

38 WRIT PETITION NO.13055 OF 2021

BHIMRAO BHANUDAS MASKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Ajay T. Kanawade.

GP for Respondent/State: Mr. D. R. Kale.

Advocate for Respondent No.3: Mr. A. B. Kadethankar.

...

CORAM : **S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 29th November, 2021.

PER COURT:

. Heard Mr. Kanawade, learned counsel for petitioner.

2 The learned counsel submits that the petitioner was appointed for a period of one year under appointment order dated 6th July, 2021 as a Junior Clerk.

3 Abruptly on 13th August, 2021, the petitioner's services were dispensed with only on the ground that he has completed 65 years of age. The learned counsel submits that the maximum age the petitioner could work is 70 years as per Clause 8 of the Government Resolution dated 17th December, 2016. The learned counsel submits that the appointment order was for a period of one year. The petitioner

within one month was terminated from service. The same is illegal.

4 Mr. Kadethankar, learned counsel for respondent No.3 submits that whether to continue a candidate after 65 years is the discretion of the authority. But the age upto which a candidate can work on contract basis is 65 years. The learned counsel also relies on Clause 8 and Clause 5 of the Government Resolution dated 17th December, 2016.

5 The appointment order of the petitioner dated 6th July, 2021 provides that the conditions enumerated in the Government Resolution dated 17th December, 2016 would apply. Clause 8 of the Government Resolution dated 17th December, 2016 is abundantly clear. As per the said clause, the age limit prescribed is 65 years. However, if the appointing authority feels that the services of such persons are required to be continued and are necessary, then with the sanction from the competent superior authority, the services can be continued. In the present case, the respondents did not consider the services of the present petitioner as necessary to be continued beyond 65 years.

6 Undisputedly, the petitioner had completed 65 years on the date of the office order dispensing him from service.

7 In light of that, the impugned order is not illegal. The writ petition is disposed of. No costs.

nga [R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]