

23.11.2011 by directing the Respondent to constitute Performance Review Committee and consider the candidature of the present Petitioner and take appropriate decision before the actual age of superannuation of the present Petitioner. The Petitioner also seeks in prayer (a) the quashing and setting aside of the Government Resolution dated 12.07.2016 by holding that it is ultra virus to the regulations and guidelines issued by the UGC under the provisions of UGC Act, 1956.

4 The Petitioner is having qualification of M.Com., M.Phil. and Ph.D. The Petitioner was appointed on the post of Assistant Professor in the year 1986 of Respondent No.3 College - Samajbhushan Baburao alias Appasaheb Jedhe Arts, Commerce & Science College (hereinafter referred as the said College). His initial appointment was having a two years probation and accordingly in the year 1988, the Petitioner came to be confirmed on the post of Assistant Professor. In the year 2006, the present Petitioner was promoted to the post of Associate Professor of the said College. On 13.07.2020 the Petitioner was given charge as in-charge Principal of the said College.

5 It is the case of the Petitioner that he is entitled to be considered under the scheme of UGC as well as that of the State of

Maharashtra for the purpose of continuation of his service for a period of two years. Under the provisions of UGC (Revision of Pay Scales, Minimum Qualification for Appointments of Teachers in Universities, College & Other measures for the Maintenance of Standards), 1998, the age of retirement is 62 years. The Petitioner has referred to the substantial correspondence between the Government of India through the Human Resource Development (HRD) and UGC concerning the enhancement of age of superannuation of the professors. It is further stated in the Petition that it is well settled that even the State of Maharashtra has also accepted the said decision and machinery has also been set up for that particular purpose.

6 The Petitioner has, thereafter, referred to the Government Resolution dated 23.11.2011 by which the Committee has been established by the Respondent-State known as the Performance Review Committee. The Committee is set up to consider the performance of the candidate and take appropriate decision about the extension of the tenure of the post of Professor and/or Principal. The Petitioner has further relied upon the Government Resolution dated 12.07.2016 by which the HRD Ministry of the Union of India has introduced certain terms and conditions with reference to age of

superannuation and permitted the State to take appropriate decision. It has been stated that the Government Resolution restores the age from 62 to 60 so far as one category is concerned. The Petitioner has submitted that the Government Resolution dated 12.07.2016 by not enhancing the age of superannuation is contrary to the UGC regulations and accordingly, the action of the Respondent-State as well as Government Resolution has been challenged in the present Petition.

7 The Petitioner has applied for amendment of the Petition since after filing of the Petition, the Petitioner attained the age of superannuation on 30.06.2021. The amendment was allowed by this Court on 29.06.2021 and the amendment has been carried out by the Petitioner.

8 The learned Counsel appearing for the Petitioner presses prayer (b) of the Petition and seeks constitution of Performance Review Committee for taking an appropriate decision about the extension of the tenure of the present Petitioner and for which purpose a representation has been made on 24.05.2021 (annexed at Exhibit-B of the Petition, by way of amendment). It is noted that the Petitioner has now retired by superannuation on 30.06.2021.

9 The learned Counsel for the Respondent-State on

instructions states that the representation dated 24.05.2021 shall be considered within a period of four weeks from the date of this order. Statement is accepted.

10 The Respondent-State shall serve the Petitioner with the decision taken on the said representation dated 24.05.2021 within one week from the date of passing of the order. In the event the order is against the Petitioner, the Petitioner is at liberty to challenge the said order. Liberty is also granted to the Petitioner to file a fresh Petition seeking prayer (a) of the present Petition i.e. for quashing and setting aside the G.R. dated 12.07.2016 by holding that it is ultra vires to the regulations and the guidelines issued by UGC under the provisions of the UGC Act, 1956.

11 We make it clear that this Court has not expressed any views on the merits of this Petition and/or on the representation made by the Petitioner to the Respondent-State.

12 Writ Petition is disposed of in the aforesaid terms. Rule is made absolute, accordingly.

13 No order as to costs.

(R.I. CHAGLA, J.)

(R.D. DHANUKA, J.)