

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3372 OF 2021

Vinayak Natthuji Shrikhande,
..VS..

State of Maharashtra, through its Secretary, Department of Higher and Technical
Education, Mantralaya, Mumbai and Ors.,

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P. N. Shende, Advocate for petitioner.
Shri A. S. Fulzele, Addl.G.P. for respondent Nos.1 to 3.

CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.

DATED : 07.09.2021

1. Heard Shri Shende, learned counsel for the petitioner.

2. The petitioner is desirous of getting the benefit of extension of the age of retirement till he completes 65 years of age by relying upon two Government Resolutions dated 05.03.2011 and 12.07.2016. Although, there is a limited challenge raised to the G.R. dated 12.07.2016 on the ground that it discriminates between lecturers and principals of Government colleges and those who are working in private unaided colleges. So far as, the lecturers or the principals like the petitioner working in private unaided colleges are concerned, there is some procedure prescribed for giving benefit of

extension of their superannuation age from 62 to 65 years. This is evident from the communication dated 07.04.2021, addressed to the Director, Higher Education, Maharashtra State, Pune by the State Government. It says that for the principals working in unaided colleges in rural areas, if the college management is desirous of giving extension of retirement age from 62 to 65 years, the college management would have to make two attempts for filling up the post of principal by following regular procedure and that would mean that the college management would have to publish advertisement at least twice, for the purpose of filling up the post of principal by inviting applications from the eligible candidates. In the instant case, no such procedure has been followed by the college management comprising respondent Nos.5 and 6. On the contrary, respondent Nos.5 and 6 have relieved the petitioner on his attaining the age of superannuation at the age of 62 years on 04.06.2021.

There is, therefore, no substance in the petition. The petition stands **dismissed**. No costs.

JUDGE

JUDGE