

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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IN VIRTUAL COURT

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**CWP No. 23319 of 2021
Date of decision : 17.11.2021**

Dr. C. Nirmala

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sameer Sachdeva, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ/order or direction to the respondents to allow the petitioner to continue in service up to the age of 65 years with all consequential benefits at par with teachers in LPA No. 1505 of 2016, in view of the Panjab University's own decision to adopt and implement the UGC Regulations, 2010; and as per the amendment in Clause 17.3 of Chapter VI (A) of University Calendar at the specific instance of Central Government by the legislative bodies of the Panjab University revising the retirement age of University Teachers to 65 years. It is further prayed that the respondent Central Government be directed to accept the Panjab University as a Centrally Funded Institution in view of the overwhelming evidence, thereby as a consequence making the UGC Regulations automatically applicable to Panjab University, including the condition of the retirement age as 65 years for the University Teachers. It is also prayed that impugned communication dated 4.12.2015 (Annexure P-7) be also quashed, whereby it is conveyed to this Court that the Central Government is not in favour of enhancement of retirement age to 65 years in Panjab University, which stand is in complete defiance to the statutory UGC Regulations, 2010 and in complete contradiction to the own earlier stand of the Government of India. It is also prayed that the respondent-University be directed not to relieve the petitioner from the services

on attaining 60 years of age and allow her to continue in service as an interim measure, as allowed in similar cases bearing LPA No. 1505 of 2016, subject to the final outcome of the present petitions.

The prayer, in essence, is that the petitioner should not be retired from service in the Panjab University till she attain the age of 65 years.

This Court finds that the identical issue has already been considered and decided by a Coordinate Bench by a detailed judgment running into 114 pages rendered in **CWP No. 11988 of 2014, decided on 16.8.2014** titled as **Dr. Bhura Singh Ghuman v. Panjab University, Chandigarh and others**, after considering all the issues sought to be addressed before this Bench. Hence, this Court is of the considered view that the claim raised by the petitioner in the present petitions is squarely covered by the said judgment.

Although, counsel for the petitioner has relied upon the judgment rendered by a Division Bench of this Court in **CWP No. 20447 of 2020** titled as **Dr. Jogender Pal Singh and others v. Union of India and others** decided on 1.3.2021, however, that judgment is not relevant for the purpose of cases relating to the Panjab University and affiliated colleges because that case is exclusively relating to the Punjab Engineering College, which is a technical institute, statedly, established and controlled by the Union Territory, Chandigarh.

Accordingly, this petition is dismissed in terms of the judgment rendered in case of **CWP No. 11988 of 2014, decided on 16.8.2014** titled as **Dr. Bhura Singh Ghuman v. Panjab University, Chandigarh and others**.

(RAJBIR SEHRAWAT)
JUDGE

17.11.2021

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No