

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8321 OF 2016

Dr. Allamaprabhu Satlingi Ravikirti

...Petitioner

vs.

The State of Maharashtra
Through The Secretary of Higher and
Technical Edu. Dept. and Ors.

...Respondents

Mr. R. V. Bansode - Advocate for the Petitioner

Ms. P. N. Diwan - AGP for the Respondent-State

**CORAM : S.V. GANGAPURWALA AND
 S. M. MODAK, JJ.**

DATE : 01st JULY, 2022

P. C. :-

1. The proposal for extension of age of retirement to 62 years is rejected.
2. Learned counsel for the Petitioner submits that the Order passed by the State Government rejecting the proposal for extension of the age of retirement is perverse and against the facts on the record. The State Government has rejected the proposal on the ground that positive recommendation is not made by the University, on the contrary, the University has made positive recommendation.
3. The State Government has perversely considered the positive recommendation of the University and has arrived at an erroneous conclusion that the Petitioner is not entitled to the benefits that would be

available for the person retiring at the age of 62 years.

4. Petitioner cannot be made to suffer for illegal order of the State Government.

5. We have heard learned AGP for the Respondent-State.

6. The Petitioner was seeking extension of the age of the retirement. The age of the retirement at the relevant time was 60 years. However subject to satisfying certain criteria, the extension could have been granted till the age of 62 years for the retirement.

7. Review Committee of the University has recommended the case of the Petitioner in the State Government positively. The State Government had considered it otherwise.

8. We could have considered the case of the Petitioner had it been the right of the Petitioner to be continued till the age of 62 years and/or the Petitioner would have still been within that age wherein the Court could have granted the Petitioner extension of age up to 62 years to work. The Petitioner admittedly had completed 62 years when he filed the Petition.

9. In light of that no relief can be granted to the Petitioner.

10. Writ Petition is disposed of. No costs.

[S. M. MODAK, J.]

[S.V. GANGAPURWALA, J.]