

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO.2241 OF 2013**

MAHATMA PHULE KRUSHI VIDYAPEETH, RAHURI  
VERSUS  
MATHURABAI CHIMAJI RAUT

...

Mr. K. D. Bade Patil, Advocate for the Petitioner.

Mr. Parag V. Barde, Advocate for Respondent.

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**CORAM : SHARMILA U. DESHMUKH, J.  
DATED : 13<sup>th</sup> FEBRUARY, 2023.**

**PER COURT:-**

1. Heard.

2. By this petition, the challenge is to the judgment and order dated 03.01.2013 passed in Revision (ULP) No.42/2012, whereby the Revisional Court has upheld the findings of the Labour Court in Complaint (ULP) No.4/2004.

3. The complaint came to be filed by the respondent under Section 28(1) of Schedule IV r/w Item I of the M.R.T.U. and P.U.L.P. Act, 1971 challenging the notice dated 14.08.2001 superannuating the Respondent.

4. It is the case of the respondent in the complaint that she was appointed on 01.03.1973 as unskilled daily wager and she was asked to submit the proof of her birth in the year 1986, which she produced in the form of certificate from the Police Patil. It is her case that, she is an uneducated person and as

such, there is no school leaving certificate, which can be produced in support of her date of birth.

5. Learned counsel for the petitioner submits that in the service record, the date of birth has been recorded as 13.11.1952. He would further submit that the order dated 04.08.2003 superannuating the respondent came to be passed by reason of medical opinion given by the Medical Officer of the University dated 27.07.1986, which opines that the respondent, on the date of medical examination, was about 45 years of age.

6. The termination/superannuation of the respondent is on the basis of the medical opinion, which has been given by the Medical Officer of the petitioner-University. The medical certificate is not produced on record and there is no material on record to show the nature of medical examination, which was carried out by the Medical Officer while giving such opinion. During the proceedings before the Labour Court, witnesses came to be examined by the University, who were unable to depose as to the tests alleged to have been conducted clinically to determine the age of the respondent. Considering the arbitrary decision which was taken by the University on the basis of its unsupported medical opinion, the complaint came to be allowed and respondent was directed to be reinstated with continuity in service with 15% back wages. The Industrial Court on consideration of the findings recorded by the Labour Court has upheld the findings of the Labour Court.

7. Learned counsel for the petitioner has not been able to demonstrate any perversity in the findings recorded by the Labour Court and the Industrial Court. Considering the evidence

on record it can be said that, the superannuation of the respondent is based upon the opinion of the Medical Officer unsupported by the required medical tests. There is no perversity in the findings of the Labour Court and Industrial Court, which would warrant interference in exercise of writ jurisdiction.

8. For the reasons above, I do not find any infirmity in the findings of the Labour Court and the Industrial Court. Writ Petition is devoid of merits and is accordingly dismissed.

**(SHARMILA U. DESHMUKH)**  
**JUDGE**