

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

WRIT PETITION NO.3542 OF 2023

**NISHIKANT MUKUNDRAO ALTE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS**

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Advocate for the Petitioner : Shri S.V. Adwant
AGP for Respondents 1 and 2/State : Shri S.K. Tambe
Advocate for Respondent 5 : Shri Parag Barde i/by Shri Anand
Kawre

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 28th March, 2023

Per Court :-

1. The issue raised by the Petitioner in this petition has its foundation on page 69, which is the communication dated 25.02.2023, issued by the employer to the Petitioner contending that his age of retirement is 60 years.

2. The learned Advocate representing the Educational Institution/ Employer hastens to add that it is typographical mistake in the said communication indicating the retirement age of the Petitioner as 60 years. His retirement age is 65 years.

3. The learned Advocate for the Petitioner points out that a notice has been issued to him on 25.02.2023 at page 70

alleging certain irregularities. He has tendered his explanation on 05.03.2023, though beyond the period of seven days that were allowed to him, explaining several issues in the reply that runs into seven pages. No decision is yet taken on the said reply.

4. The learned Advocate for the employer submits that tomorrow (29.03.2023) a hearing is arranged at 10:00 AM in the office of the Principal of the College. The said notice is issued by the authorized office bearer of the Management.

5. Considering the above, this Writ Petition is worked out as the retirement age of the Petitioner, in normal circumstances, is undisputedly 65 years of age. Insofar as the issue as to whether, the Management desires to proceed against the Petitioner, the same is not addressed to the Court. So also, whether, the Management desires to take a disciplinary action against the Petitioner or not, would be subject matter of Section 81 of the Maharashtra Public Universities Act, 2016.

6. In view of the above, this Writ Petition is disposed off.