

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

19 WRIT PETITION NO.8440 OF 2023

Mahendrakumar s/o Kashinath Desale,
Age 45 years, Occ. Service at present nil
R/o. Near Khodiyar Mata Temple,
at post Bhadane, Tq. Sakri, Dist. Dhule

... **Petitioner**

Versus.

- 1) The State of Maharashtra,
through The Secretary,
Higher and Technical Education
Department, Mantralaya Mumbai-32.
- 2) The Joint Director of Higher Education
Jalgaon Division Jalgaon.
- 3) The President,
Adishakti Dhandai Mata Shikshan
Prasarak Sanstha, Dhule.
- 4) The Principal
Adishakti Dhandai Mata Shikshan
Prasarak Sanstha, Dhule
Late Annasaheb R.K. Deore,
Arts & Science College, Mhasadi,
Tq. Mhasadi, Dist. Dhule

... **Respondents**

...

Advocate for the Petitioner : Mr. Jadhav N.L.
A.G.P. for the Respondents/State : Mr. A.S. Shinde

CORAM : **MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : **24.07.2023**

PER COURT :

We have heard the learned advocate for the petitioner and the learned A.G.P.

2. The petitioner is aggrieved by the order passed by the respondent No. 2-Joint Director of Higher Education dated 14.11.2022 whereby the authority has refused to grant approval to the withdrawal of the notice of voluntary retirement given by the petitioner pursuant to the provisions of

Rule 66(5) of the Maharashtra Civil Services (Pension) Rules 1982.

3. Admittedly, the petitioner submitted an application for voluntary retirement on 01.12.2020 and made the request for its withdrawal on 06.07.2021.

4. The Provision of Rule 66(5) of the Maharashtra Civil Services (Pension) Rules 1982 reads as under :

“(5) A Government servant, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority:

Provided that the request for withdrawal shall be made before the intended date of this retirement.”

5. Since, admittedly, the petitioner had submitted the application after the notice period was over, by virtue of the proviso (supra) he was not entitled to revoke his notice for voluntary retirement after it had lived its life to the fullest.

6. This is precisely one of the main reasons assigned by the respondent No. 2-Joint Director of Higher Education in the impugned communication refusing to grant approval to such withdrawal. There is no illegality in the impugned order.

7. The Writ Petition is dismissed.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-