

Ganesh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15655 OF 2022**

Dr Dilip Bhikaji Shinde & Ors ...Petitioners
Versus
The State of Maharashtra through its Secretary
Dept of Higher and Technical Education & Anr ...Respondents

**Mr Tejesh Dande, with Bharat Gadhvi, i/b Tejesh Dande &
Associates, for the Petitioners.**
Mrs PN Diwan, AGP, for the Respondent-State.

**CORAM G. S. Patel &
Neela Gokhale, JJ.**
DATED: 7th August 2023

PC:-

1. Petitioners No. 4, 5 and 6 have been deleted and are separately pursuing their remedies in courts of competent jurisdiction.

2. Petitioners No. 1 and 2 have retired and the reliefs will not survive for them. This leaves Petitioners No. 3 and 7 who are still in service.

3. Mr Dande fairly accepts that there is no question of bypassing the annual or periodic performance review that is required for

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persons such as Petitioners Nos. 3 and 7, who are principals of the respective institutes. This performance review has a defined process and procedure, and the Respondents will no doubt follow that procedure on schedule, i.e., well in time before Petitioners No. 3 and 7 retire.

4. There is some urgency for both Petitioners No. 3 and 7. Petitioner No. 7 is scheduled to retire on 30th September 2023 and Petitioner No. 3 will retire on 24th April 2024. The performance appraisal or review of Petitioner No. 7 should, therefore, be completed at the latest by end of August 2023, and that in respect of Petitioner No. 3 must be completed by the end of November 2023.

5. Paragraph 13C of the Petition added by amendment reads:

“13C The Petitioners further submit that in compliance of the procedure contemplated in Government Resolution dated 05.03.2011 the Petitioners are ready and willing to appear before the Performance Review Committee and extend their cooperation in the said regard. In view thereof, it is desired that the Respondent Nos. 1 and 2 may kindly be directed to initiate the process of performance review as expeditiously as possible and in any case within a period of three months from the date of the order.”

6. This corresponds to prayer clause (b1) which reads:

“b1 That this Hon’ble Court may kindly be pleased to direct the Respondent No.1 and 2 to initiate the process of performance Review of the Petitioners in compliance of the procedure contemplated in Government Resolution dated 05.03.2011 and the same may kindly be completed as expeditiously as possible and in any case within a period of

three months from the date of the order; and the Respondent Nos. 1 and 2 may kindly be directed to consider the report of Performance Review Committee thereby extending the age of retirement of the Petitioners upto 65 years in the colleges/institutions where they are presently working”

7. Accordingly, the Petition is disposed of with an order in terms of prayer clause (b1), with directions as to dates as mentioned above.

8. No costs.

(Neela Gokhale, J)

(G. S. Patel, J)