

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7028 OF 2023

Vinayak Apparao Jadhav

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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Advocate for the Petitioner : Mr. Gunale Vishwamber Digamberrao

AGP for Respondent/State : Mr. S.P. Joshi

Advocate for Respondent No.4 : Mr. A.M. Gaikwad

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**CORAM : S.G. MEHARE &
S.G. CHAPALGAONKAR, JJ.**

DATED : DECEMBER 17, 2024

PER COURT :

1. The petitioner impugns the order dated 08.05.2023 passed by the Desk Officer, Government of Maharashtra, Higher and Technical Education Department, thereby refusing to extend the benefit of extension of age limit for superannuation of the petitioner. The petitioner contends that he was working as the Principal with respondent no.5. He was to retire on attaining the age of superannuation on 28.02.2023. However, in view of the scheme under Government Resolution dated 05.03.2011, the petitioner was entitled for extension of the retirement age and continuation of his service as Principal upto the age of 65 years.

2. Mr. Gunale, learned Advocate appearing for the petitioner submits that the management had moved the Joint Director for grant of permission to advertise the post of Principal. However,

there was no response. Accordingly, the proposal was moved for continuation of the petitioner's services upto the age of 65 years. However, the committee constituted by the University made negative recommendation stating that as per precondition laid down in the government resolution, the advertisement to fill up the post of Principal was not issued by management.

3. It is not in dispute that Government Resolution dated 23.11.2011 had brought a scheme for extension of the age of retirement of the Principals, particularly working in the rural area. The basic intention behind this scheme was to see that the Principals are available for discharging the duties in colleges run in rural area. However, the government resolution stipulates certain conditions for grant of the benefit of extension of the age of retirement. The one of the condition stipulates that there must be genuine attempt on the part of management to appoint a regular Principal and for that purpose, twice advertisement shall be issued. In case of unsuccessful attempt of management to secure appointment of Principal by regular mode, the age extension to existing Principal is allowed.

4. It is not in dispute that in this case, the management has not published the advertisement in tune with the requirements of government resolution.

5. Although, Mr. Gunale contends that the permission was not granted by the Competent Authority inspite of communication by

the management and no fault can be found with the petitioner, the fact remains that the condition under government resolution was not complied with. The management has not taken requisite steps within the stipulated period. Accordingly, the University made negative recommendation. In pursuance of the negative recommendation by the University, giving the reason of non-compliance of the requirement under the government resolution, the impugned order is passed thereby refusing to extend the age of retirement of the petitioner of continuation of his service.

6. Resultantly, we do not find any force in the writ petition. It is not shown that the petitioner has any vested right to continue in the services without compliance of the requisite conditions under the government resolutions.

7. In that view of the matter, writ petition stands dismissed.

(S.G. CHAPALGAONKAR, J.)

(S.G. MEHARE, J.)