



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 1810 OF 2024
GOPAL RAMESHWAR ATAL AND OTEHRS

VERSUS

**STATE OF MAHA. THR. SEC. AGRICULTURE, ANIMAL HUSBANDRY DAIRY DEV. AND FISHERY
DEPT. MUMBAI AND ORS**

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Anand Parchre, Advocate along with Mr. Kalyan Chiwarkar, Advocate
for the Petitioners

Mr. Ashish Kadukar, AGP for the Respondent No.1/State

Shri D.R. Bhoyar, Advocate h/f Shri A.R. Sambre, Advocate for the
respondent No.2

Shri P.A. Kadu, Advocate for the respondent No.3

CORAM : BHARATI DANGRE & ABHAY J. MANTRI, JJ.

DATE : 24.09.2024

1. This petition, at the instance of 31 petitioners, raises a challenge to the Government Resolution (GR) dated 20.02.2024, thereby, purporting to remove the age of retirement of the petitioners, who are holding posts of various academic faculties/teachers and working in departments/colleges of respondent Nos.2 and 3, covered under the Agricultural University.

2. This Court directed to list the petition for final disposal at the admission stage, however, today an exigency expressed by Mr. Parchure, learned counsel appearing for the petitioners is that, the retirement of the petitioner No.4 (Dr. Bhaskar Ajabrao Sakhare), petitioner No.11 (Dr. Anant Nanaji Mankar) and petitioner No.13 (Dr. Shyam Laxmanrao Deotale) whose date of retirement on attaining the age of 60 years, is described to be 31.10.2024, 30.09.2024 and 31.10.2024, respectively.

3. The argument on behalf of the petitioners is to the effect that while they were recruited, the age of the retirement was 62 years, and therefore, there is a legitimate expectation that they be continued in service till they attain the age of 62 years. As per the learned counsel for the petitioners, the petitioner Nos.4, 11 and 13 are going to touch the age of 62 on 31.10.2026, 30.09.2026 and 31.10.2026, respectively. However, in the wake of issuance of impugned GR, now the petitioner Nos.4, 11 and 13 shall be retired on 31.10.2024, 30.09.2024 and 31.10.2024, respectively.

4. We are quite conscious of the petition that the petition is to be decided on merits. However, at present the petitioner Nos.4, 11 and 13 are due to retire on 31.10.2024, 30.09.2024 and 31.10.2024, respectively, they will be out of the service and if tomorrow the challenge succeeds, in that case, the said petitioners will be deprived of all those benefits.

5. In the circumstances, by way of *ad interim* relief, we direct the petitioner Nos.4, 11 and 13 shall be retained in service on the present postings, till hearing of the writ petition.

6. Needless to mention that they shall give an undertaking to respondent No.2 that in case the challenge in the petition fails, they shall not claim extension and only based on equity, they are granted *ad interim* relief.

7. Place the petition for final hearing on **18.11.2024**.

[ABHAY J. MANTRI, J]

[BHARATI DANGRE, J]