



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4653 OF 2024

(Dr. Atul s/o Chandrakant Waghmare .vs. The State of Maharashtra and others)

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
And Registrar's Orders.

Court's or Judge's orders.

Shri A.P. Raghute, Advocate for the petitioner.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.
DATE : 09.08.2024.

Heard Shri A.P. Raghute, learned counsel, appearing for the petitioner.

2. The issue involved in the petition for adjudication is at which age the petitioner is to be superannuated: 60 or 65? However, he drew our attention to clause 2.12 of the Notification issued by the All India Council for Technical Education on 01.03.2019 and contended that pursuant to said clause, his age of superannuation is 65.

3. Clause 2.12 of the All India Council of Technical Education Notification dated 01-03-2019 whereby the All India Council for Technical Education Pay Scales, Service Conditions and Minimum Qualifications for Appointment of Teachers and other Academic Staff such as Library, Physical Education and Training & Placement Personnel in Technical Institutions and Measures for the Maintenance of Standards in Technical Education (Degree) are produced, it contemplates the retirement age of all the faculty members and the principals of the technical institutions should be sixty-five years.

4. To substantiate his contention that the age of superannuation should be sixty-five years and not sixty years, he has placed reliance on Clause 2.12 of the aforesaid Regulations and support is also drawn from the Division Bench Judgment of this Court in the matter of *Lalit Rajendra Gajanan v. Vidyavardhani, through its Secretary and others*, [2021 SCC OnLine Bom. 3649]. According to him, the contrary view taken by the Single Bench at Nagpur in *Vidarbha Youth Welfare Society v. Dr. Mir Sadique Ali and others* in Writ Petition No.5944/2022 has been stayed on 31-07-2023 in Special Leave Petition No.15958/2023 by the Apex Court.

5. As such, he would urge that the order impugned whereby directing superannuation of the petitioner on 31.07.2024 in view of the completion of sixty years cannot be said to be sustainable in law.

6. Issue notice to the respondents, returnable on **23.08.2024**.

7. Shri D.P. Thakare, learned Additional Government Pleader, waives service of notice for respondent nos.1 and 2 and Shri Nitin Lambat, learned Counsel, waives service of notice for respondent no.3.

8. In view of the aforesaid legal position, we are *prima facie* satisfied that the case for interim relief is made out.

9. That being so, we direct the respondents to maintain the status quo in relation to the service of the petitioner.

10. To be heard along with Writ Petition No.3800 of 2024.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)