**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

**CWP-27916-2023
Reserved on: 22.12.2023
Pronounced on: 02.02.2024**

DR. BANDNA GOINDI .....Petitioner

Versus

UNION OF INDIA & ORS. ....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Argued by: Mr. Amar Vivek Aggarwal, Advocate with
Mr. Zoheb Sidhu, Advocate
for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Vibhor Bansal, Senior Panel Counsel
for respondents No. 1 and 2-UOI.

Mr. Anil Mehta, Senior Standing Counsel with
Mr. Aman Bahri, Addl. Standing Counsel
for U.T., Chandigarh.

Mr. Gagneshwar Walia, Advocate
for respondent No. 7.

****

SURESHWAR THAKUR, J.

Factual Background

1. The petitioner herein is working as a teacher (Associate Professor) in a Govt. aided privately managed college namely Sri Guru Gobind Singh College, Sector – 26, Chandigarh affiliated to Panjab University, Chandigarh. The petitioner is seeking the making of a writ of mandamus, thus directing the respondents concerned, to raise her age of superannuation till 65 years, hence in terms of UGC Regulations,

which have already been adopted and implemented by the Panjab University, Chandigarh.

2. The petitioner is averred to attain the age of 60 years on 10.12.2023. She is aggrieved against her proposed retirement at the age of 60 years, despite the fact that all the teaching staff, thus working in the Government Colleges of U.T., Chandigarh, are permitted to serve till the age of 65 years, given the superannuation age standing enhanced to 65 years, owing to the adoption/applicability vide notification dated 29.03.2022 (Annexure P-39) of the Central Pattern of Rules in U.T. Chandigarh.

3. Furthermore, a prayer is also made for the quashing and setting aside of the communication dated 15.02.2023 (Annexure P-50), whereby clarification has been given by the Secretary Education, Chandigarh Administration, to the Principals of privately managed Govt. Aided Colleges in U.T. Chandigarh, that insofar as the adoption/applicability vide notification dated 29.03.2022 (Annexure P-39) of the Central Pattern of Rules in U.T. Chandigarh, rather is concerned, thus the same relating only to the Govt. Colleges and the Technical University under the administrative control of the Administrator of Union Territory of Chandigarh, and, has nothing to do with the private aided colleges/institutions.

Submissions of the learned counsel for the petitioner.

4. The learned counsel for the petitioner has made a claim for grant of the writ reliefs inter alia on the following submissions.

(i) Since the privately managed aided colleges in Chandigarh are receiving grants-in-aid from Govt. of India, Ministry of Home Affairs, which is being disbursed through Chandigarh

Administration, as such UGC Regulations in the matter of age of superannuation, duly apply to the petitioner.

(ii) During the years 1991 to March 2022, the service conditions including superannuation age etc of the members of teaching faculty of privately managed aided colleges, were governed by the relevant rules of Govt of Punjab, which had been specifically notified and adopted by the Govt. of India, and, also had been made applicable vide notification dated 15.01.1992 (Annexure P-13) qua the employees of Chandigarh Administration, and, later had been extended qua the employees of the privately managed aided colleges of Chandigarh. As such, the members of teaching faculty in privately aid colleges would retire at the age of 60 years, because correspondingly under the Punjab Civil Service Rules, the age of retirement had been fixed at 60 years.

(iii) However, vide notification dated 29.03.2022 (Annexure P-39), whereby the Punjab Rules of 1992 became abrogated and the Central Rules came into force, vis-a-vis, the service conditions (including age of retirement) of the employees of Chandigarh Administration. Consequently, it is submitted that from 01.04.2022, the age of superannuation of the teaching faculty of Government colleges, in Chandigarh Administration, thus is governed by the Central Service Rules. As such, the Teachers in the Govt. Colleges in Chandigarh Administration would now be superannuating at the age of 65 years.

(iv) Therefore, it is argued that with the said notification i.e. Annexure P-39, being restricted only to the service conditions of the members of the teaching faculty of Government Colleges in the Chandigarh Administration, besides when the apposite Punjab Rules were abrogated vide notification dated 29.03.2022, thereby there are no rules governing the service conditions of the teachers of the Government aided privately managed colleges in the Union Territory, Chandigarh. Resultantly the petitioner is entitled to parity of service conditions with their counterparts working in Government colleges in U.T., Chandigarh.

(v) Furthermore, in the abscence of any regulations/rules at all, governing the age of superannuation of the teaching faculty in Government Aided Privately Managed Colleges in Union Territory, Chandigarh, thereupon, the only Regulations that govern their superannuation are the UGC Regulations, 2007.

(vi) The Panjab University had earlier fixed the age of retirement for teaching faculty at 60 years, but upon the introduction of UGC Rules, the University adopted, implemented and accepted age of superannuation as 65 years, for its own teaching faculty.

(vii) The UGC Rules have clearly prescribed age of superannuation for the Teachers of Central Funded Institutions. The Govt. of India vide its communication dated 04.04.2007 (Annexure P-24), has clearly laid down that the age of superannuation for the teachers of Central Funded Institutions would be 65 years. The Panjab University has adopted the UGC Regulations and even otherwise, the Govt of India vide Annexure P-30 has clarified that the UGC Rules are applicable to the Panjab University.

(viii) The Panjab University has even proposed to the Govt. of India, amendments in University Regulations, inasmuch as, for providing the age of superannuation for teachers of Private Colleges, thus at par with the Govt. Counterparts. The said proposal is pending consideration with the Govt. of India since the year 2011. The petitioner cannot be denied the benefit of such a proposed amendment, owing to the lackadaisical approach of the respondent concerned.

(ix) That since the teaching faculty in colleges aided through grants made by the Union of India, thus perform similar or alike functions, to the teaching faculty which are governed by Annexure P-39. Resultantly, it is argued that with parity of rendition of services by teaching faculty in Government run colleges, and, by the teaching faculty in colleges aided by grants made by the Union of India, thereby, but necessarily same or similar conditions of service, were to be assigned, to the teaching faculty serving in colleges aided through grants being made by the Government of India. If the said parity is not ensured thereby there would be perpetration of an invidious discrimination vis-a-vis the petitioner besides thereby it would cause violation to the constitutional norm of equality, as contemplated under Articles 14 and 16 of the Constitution of India.

(x) That since Annexure P-1 to P-12 and Annexure P-23, indicates that in the matters of overall service conditions, pay scales, sanction for appointment, applicability of allowances at par with Central Service Rules/UGC Rules, etc. all such teachers of Government aided privately managed colleges in the Union Territory, Chandigarh, thus were treated uniformily and were assigned treatment equivalent to their counterparts in the Government colleges of Union Territory, Chandigarh. Therefore, it is argued that the inter-se disparity created inter-se Annexure P-45, with Annexure P-39, rather is required to be undone.

(xi) The Chandigarh Administration has earlier accorded parity on UGC pattern to the Teachers of the Govt aided privately managed Colleges and accorded them status at par with the Govt. Colleges. Likewise the duty hours and shifts of the teachers of the Govt. Colleges and the teachers of the Government aided privately managed colleges have been same and similar. Therefore, there is no jusitification for giving a different age of superannuation to the two categories as above.

(xii) There is no jurisidiction in the Chandigarh Administration, which is the limb of the Govt. of India, to state that the Teachers of the Govt. Aided Privately managed colleges, shall be governed by any other statute or rule other than Central Govt. Rules. The Punjab Rules stand abrogated by Govt. of India, vide notification 29.03.2022 (Annexure P-39). As such, the same cannot be applied to any class or categories rather by the Chandigarh Administration.

(xiii) The Chandigarh Administration without any statutory backing issued the impugned notification (Annexure P-45) ordering that Govt of India's notification dated 13.01.1992, extending Punjab Rules to the employees of Chandigarh Administration, shall govern, the service conditions and age of retirement of Members of teaching faculty of Privately managed aided colleges, despite the Govt of India superseding its notification dated 13.01.1992, through Annexure P-39.

(xiv) That interim orders in alike cases, thus becoming passed by this Court respectively in cases **LPA No. 1212 of 2022**, in CWP-6266-2023, in CWP-12367-2023, in CWP-18133-2023, in CWP-21405-2023 and in CWP-25681-2023. Therefore, at par therewith such orders be also passed by this Court.

(xv) There is no delay on the part of the petitioner in approaching this Hon'ble Court, as in view of the interim orders (supra), numerous teachers like the petitioner were continued in service beyond the age of 60 years and the petitioner could not even imagine that she would be denied parity by them. However, on 05.12.2023, the petitioner received a caveat notice from the respondent, telling her, that she would be retired on the last date of month, whereons, she attains the age of 60 years, hence immediately on 08.12.2023, thus the petitioner approached this Court without any delay.

Submissions of the learned Additional Standing Counsel for the U.T. Administration.

5. (i) That the relief as claimed in the petition (supra), cannot be granted to the petitioner, who otherwise was to retire on 10.12.2012/31.12.2023, as the said is the date of her superannuation in terms of Annexure P-45.

(ii) That the notification dated 29.03.2022 (Annexure P-39), would be applicable only to the employees who are under the administrative control of the Administrator, U.T., Chandigarh, meaning thereby it is made applicable only to the employees of Union Territory Chandigarh. On the other hand, the teachers working in the Privately Managed Aided Colleges of Union Territory Chandigarh, are not under the administrative control of the Administrator rather they are merely getting 95% grant-in-aid from the Chandigarh Administration, to mete or to discharge the liabilities towards the expenditure, qua the disbursement of only salaries of teaching/non-teaching employees in respect of Grant-in-aid posts.

(iii) Learned Senior Standing Counsel for the U.T. Chandigarh places reliance on a judgment passed by this Court in

CWP-30172-2022, titled as Gurmej Singh Vs. U.T., of Chandigarh, whereins it was observed that the very title of the notification dated 29.03.2022 makes it clear that this notification is meant for employees of U.T. Chandigarh, and, is also defining their conditions of service, and, has nothing to do with private but Government aided institutions.

(iv) That the proposal for amendment in the relevant UGC regulations regarding enhancement in the age of superannuation of teachers, though has been communicated vide letter dated 26.12.2011, to the Ministry of Education, Government of India. The said communication is subjudice before the Government of India and that as and when the same is approved, it shall be incorporated in the relevant part of the regulations of Panjab University Calendar. Thus a proposal, which has not yet been approved by the Government of India and which even after such approval would require incorporation in the regulation of the Panjab University calendar, by way of a gazette notification, thus cannot be relied upon by the petitioner.

(v) That prior to the notification dated 29.03.2022 (Annexure P-39), issued by the Govt. of India, the age of superannuation in respect of the teachers of the Govt. Colleges in U.T. Chandigarh, was 58 years, whereas, the retirement age in respect of the teachers like the petitioner in the Aided Colleges remained intact at 60 years. The present petitioner or other teachers of aided colleges did not claim any parity and were happy to be governed by the Panjab University Calendar Regulations.

(vi) That Panjab University Calender Volume 1 Chapter VIII (A) deals with affiliated colleges and conditions of affiliation. The relevant regulation No. 9 prescribing such conditions/requirements is extracted hereinafter.

> *"9. Every affiliated college shall comply with the requirements of Section 27 of the Panjab University Act and those of the various regulations contained in this Chapter. It shall also satisfy the University -*
>
> *a) xxxxx*
>
> *b) That the Rules laid down for the following are being observed -*
>
> *(1) Conditions of service and conduct of teachers in affiliated colleges (non-government) as contained in part E of this chapter*
> *(ii) XXXXXXXX*

Further, the relevant part of Chapter VIII (E) of the rules (supra) are extracted hereinafter.

> *"7. All whole time teachers in Non-Government Colleges affiliated to the University shall retire on attaining the age of 60 years and thereafter no extension in service shall be granted.*
> *Every teacher shall retire from the service on the afternoon of the last day of the month in which his retirement falls."*

(vii) Thus, the relevant service rules applicable to the case of the petitioner are the ones prescribed in Panjab University Calendar Volume 1 Chapter VIII (A) and (E) and the same would be applicable while determining the service conditions of the teaching faculty in all the private affiliated colleges (aided or unaided).

(viii) Further, the appointment letter, as issued to the petitioner by respondent College under condition No. 3 prescribes as under.

" 3. You will be governed according to the rules and regulations applicable to the affiliated Colleges of the Panjab University as well as Sikh Educational Society."

(ix) That as apparent on a reading of the notification (Annexure P-39), it is made applicable, singularly to the employees of the Union Territory Chandigarh besides defines their conditions of service. Therefore, Annexure P-39 is only applicable to the employees working under the administrative control of the Administrator to the Union Territory, Chandigarh, but is not *ipso facto* applicable to the employees or to the teaching faculty in Government aided colleges, hence functioning in the Union Territory Chandigarh.

(x) That no instructions/regulations issued either by the UGC or by the Ministry of Education are *ipso facto* applicable to the teachers of the Aided Colleges, till the same are extended to them, by the Chandigarh Administration. Since, there is no apposite extension thereto. Therefore, no claim in the face of UGC regulations can become well rested by the petitioner.

(xi) That the present petition is time barred and suffers from delay and laches as the same has been filed when the petitioner has just completed the age of 60 years on 10.12.2023, and is, on the verge of demitting office on 31.12.2023.

(xii) That consequently, it is submitted that in terms of Panjab University Calendar Regulations, the age of retirement of the petitioner is restricted to 60 years and the petitioner cannot claim that her age of superannuation be extended to 65 years.

(xiii) Moreover, in view of condition No. 13, of the grant in aid scheme being adopted and followed by the Chandigarh

Administration, the Chandigarh Administration is not under any legal obligation to disburse the grant in aid in respect of any employee who is retained in service beyond 60 years, particularly when the said scheme is not under any challenge. The relevant condition No. 13 is extracted hereinafter.

> *"13. The grant shall not be admissible in respect of employees who are retained in service after 60 years of age."*

ANALYSIS OF THE SUBMISSIONS BY THE LEARNED COUNSELS FOR THE PARTIES.

For the reasons to be assigned hereinafter the contention(s) raised by the counsel for the petitioner are rejected and submissions addressed before this Court by the counsel for the respondent-U.T. are accepted.

6. The learned counsel for the petitioner has made a misfounded submission before this Court, that after abrogation of the Punjab Rules, through issuance, on 29.03.2022, thus of a notification by the Government of India, thereby there are extantly no functional applicable service conditions, especially relating to the age of superannuation of the present petitioner.

7. The reason for the above inference, becomes rested on the trite premise, that all the service conditions of the teachers, of the Government aided Colleges, affiliated to the Panjab University, Chandigarh, rather are regulated by the Panjab University Calendar Regulations.

8. Conspicuously, the applicability of the said notification dated 29.03.2022 (Annexure P-39), is singularly restricted to the

employees of Chandigarh Administration or to the teaching faculty serving in Government Colleges, hence within the Union Territory, Chandigarh. Therefore, but naturally the said notification cannot *ipso facto* be made applicable to the teaching faculty serving in privately managed aided colleges, hence functioning within the Union Territory Chandigarh.

9. The above conclusion become further fortified, from a verdict, as made by this Court in CWP-30172-2022, whereins, it was observed that the very title of the notification dated 29.03.2022, makes it clear, that this notification is meant for the employees of U.T., Chandigarh, and, is only defining their conditions of service, and, has nothing to do with the employees of private but Government aided institutions.

10. That conspicuously the classification created through the said Annexure P-39, whereby it has been made applicable singularly to the employees of Government colleges, and, not to the employees serving in Government aided colleges, is but a reasonable classification, inasmuch as, it justly segregates the employees of Government colleges thus from the employees of Government aided colleges. Consequently, thereby the said classification cannot be termed to be either unreasonable nor it can be construed to be arbitrary.

11. The above marked disctinction also becomes fortified from the factum that the liability(ies) towards discharging of salaries, allowances and post superannuation benefits are respectively different, to the above two distinct classes of employees, serving in the apposite colleges, thus, thereby but naturally a reasonable classification amongst the afore is created. Reiteratedly, the said reasonable classification is

based upon an intelligible differentia having a close nexus, but with dis-similar imposable apposite liabilities appertaining to employees serving in Government colleges and those serving in Government aided colleges.

12. Furthermore, the said well made apposite classification but naturally well empowers the Government financing such colleges, to escape from the enhanced financial liabilities, as would accrue, on theirs yet taking to lend budgetary support, towards the salaries and allowances of the teaching faculty in the Government aided colleges.

13. Though the counsel for the petitioner has, laid a challenge to the consitutional vires of Annexure P-45, thus on the ground that, it creates an invidious discrimination with the counter parts of the petitioner rather serving in Government colleges, who are rather governed by Annexure P-39.

14. Though, the said ground is grooved in the factum, that though the teaching faculty serving in the Government run colleges within the Union Territory of Chandigarh, but naturally perform functions alike the one which are also performed, by the teaching faculty serving in Government aided private colleges, hence within the Union Territory of Chandigarh. However, the conspicous distinction inter-se the above, also lies in the further factum, that the teaching faculty in Government run colleges in the Union Territory Chandigarh, thus rather perform functions in Government sanctioned colleges, but after rendition of perennial budgetary support, in respect of all liabilities, thus may be towards the management, upkeep besides towards the salaries of all employees serving thereins, whereby such fastened liabilities, thus become legitimately encumbered upon the

State Exchequer exclusively.

15. Contrarily, the privately run colleges within the Union Territory of Chandigarh, who also receive grants-in-aid, from the Union of India, do thus discharge the liabilities towards the salaries and pensionary benefits to all employees serving thereins, hence not only from funds garnered from their sources, but more importantly, from the grants-in-aid received from the Government of India.

16. Therefore, the assigning of grants-in-aid by the Government of India to such colleges is dependent upon auditing of the Government aided funds being made by the auditors concerned. In sequel, if the said colleges are able to mop up funds sufficient to discharge all the relevant liabilities, thereupon the Government of India may stop the releases of, grants-in-aid, to the privately run colleges in the Union Territory of Chandigarh.

17. Therefore, the releasing of grants-in-aid to the privately run colleges with the Union Territory of Chandigarh, thus naturally cannot foist a perpetual apposite liability upon the Government of India.

18. The privately managed Government aided colleges within the Union Territory, Chandigarh, are not shown by any tangible evidence placed on record, to be wholly non profiteering organizations nor is there any tangible evidence adduced on record, thus suggestive that a holistic philanthropic purpose, is the bedrock of the opening and running of the privately managed Government aided colleges, in the Union Territory of Chandigarh. Therefore, but only for want of the above evidence, thus leads this Court to form a conclusion, that such colleges rather became established and are also being managed by the

Managements concerned, hence for a profiteering purpose.

19. Though, the audit of such colleges may be done by the auditors concerned, and may also thus lead to satisfaction being drawn by the Government of India, to release grants-in-aid for all the relevant purposes, to such colleges. However, yet it is neither apprised to this Court by the counsel for the petitioner or by the counsel for the opposite party, that the makings of audits for the relevant purpose, thus were completely by a non-partisan agency, irrespective of such herebefore auditings being done by the agency of the Government of India.

20. Nonetheless, to ensure that no perpetual encumberance, is cast upon the Government of India, to release grants-in-aid to, the Government aided profiteering colleges, within the Union Territory of Chandigarh but managed by non Government organizations, this Court has hereafter made certain directions, upon, the Comptroller and Auditor General of India, to appoint an independent qualified auditor, to make auditings of the financial resources garnered by the Government aided private colleges concerned, so that, thereby any purported faults, if any, in earlier audits, thus do become detected, and, subsequently responsibility becomes fixed upon the auditor(s) concerned.

21. The above would ensure, that the above becomes done also from an incisive analysis by the concerned, of the Income Tax Returns filed by such institution(s), before the Income Tax Authorities, so that, therefrom the correctness or otherwise of the previously made auditings, becomes earmarked, thereby but naturally this Court would be led, to form an opinion, that the privately managed Government

aided profiteering colleges within the Union Territory Chandigarh, are mis-utilizing the financial resources, rather independently garnered by them. Resultantly thereby their may not have any well made projection before this Court, to yet ask for grants-in-aid being released to them by the Government of India, nor they would become well empowered, to claim that therebys, the liabilities towards the salaries of the teaching faculty, be yet encumbered upon the Government of India.

22. The effect, thereof, is that, the teaching faculty of privately managed profiteering colleges in the Union Territory of Chandigarh but naturally cannot be endowed, with any legitimate expectation, that the financial liabilities relating and arising from the age of superannuation, being increased at par, with the teaching faculties with the Government run colleges, thus be perpetually fastened upon the Union of India, through the latter in perpetuity, thus relasing grants-in-aid to the colleges, thus aided by funds becoming released by the Government of India. If the said legitimate expectations are endowed, thereupon, there would be an impermissible onerous encumbrance upon the State Exchequer, besides would breed a propensity in profiteering privately managed colleges in the Union Territory of Chandigarh, to stake claims for release(s) of grants-in-aid, for all relevant purposes, despite theirs mis-managing such grants-in-aid or mis-utilizing the financial resources, as become independently marshalled by them.

23. In other words, colleges run by the Government of India through budgetary approvals, thus stand, on a completely different footing, than privately run colleges which receive grants-in-aid from the Union of India.

24. The further effect of the above distinction, is but naturally,

that despite performance of alike functions by the teaching faculty in Government colleges, with the teaching faculty in privately run profiteering educational institutions, yet the above marked distinction, but does not create any indefeasible right, in the teaching faculty of privately managed colleges, to claim parity with the teaching faculty serving in Government managed colleges. Retieratedly, the above inter-se classification is both a reasonable and valid classification.

25. The further conspicuous reasons, for making the above conclusion also becomes stemed, from the factum that the privately run colleges are normally profit making organizations, whereas, Government run colleges are non profit ventures, rather completely meant for sub-serving the salutary purpose of catering to the educational requirements of the students studying thereins.

26. Therefore, the learned counsel for the petitioner, has mis-argued, that as of now after abrogation of the Punjab Rules of 1992, vide notification dated 29.03.2022 (Annexure P-39), there are no functional rules applicable to the service conditions of the teaching faculty in Government aided colleges in the Union Territory, Chandigarh.

27. The reason for the above conclusion emanates from the factum that in terms of the Panjab University Calendar (Regulations), whereins becomes embodied rather the service conditions but including the ones relating to the age of superannuation of the teaching faculty, serving in privately managed colleges receiving grants-in-aid by the Government of India, thus comprising the relevant applicable extant norm vis-a-vis the teaching faculty in the privately managed institutions. Importantly, when Annexure P-45, also concurs with the

said Regulations.

28. Retieratedly, for all the reasons (supra), the said notification dated 29.03.2022 (Annexure P-39), does not create an ill classification inter-se, either with the employees of privately managed Government aided colleges within the Union Territory, Chandigarh, and, the employees in Government owned colleges nor reiteratedly creates an ill classification with the petitioner's counterparts in Government run colleges in the Union Territory of Chandigarh. Consequently, no valid challenge can be made to the vires of Annexure P-45.

29. Furthermore, the teaching faculty in the privately managed colleges within the U.T. Chandigarh, are appointed, against a grants-in-aid post, thus received from the Govt. of India. The condition No. 13 of the grants-in-aid scheme became adopted and accepted by the relevant educational institution concerned. The said condition extracted herebefore, thus reveals that the grant shall not be admissible in respect of employees who are retained in service after 60 years of age.

30. Moreover, since the said condition became accepted even by the relevant educational institution concerned, besides therebys it is deemed to be an implied service condition relating to the superannuation age of the present petitioner. Therefore, the petitioner cannot escape from the rigor of the said accepted condition, thus by the educational institution concerned, whereins, she was appointed and also served as a member of the teaching faculty.

31. Furthermore, also the appointment letter appertaining to the present petitioner, is also construable to be impliedly, if not expressedly made thereins, but embodying such a condition. Therefore,

reitereatedly when the said condition is deemed to be impliedly manifestating itself in the appointment letter issued to the present petitioner, irrespective of it not being expressedly voiced thereins. In sequel, neither the educational institution concerned, nor the petitioner serving therein, can claim that the grants-in-aid, be released to the educational institution concerned, for thereby the financial liabilities relating to the salaries and allowances of the present petitioner being disbursed to her, even when she serves, the educational institution/college beyond the age of 60 years.

32. Even, on a perusal of para no. 5 of the reply filed by the respondent-College, it is revealed, that the College is not in a position to pay any hefty salary to the petitioner beyond the age of 60 years, without the release of any grant in their favour which accounts to 95 % of the total salary. Therefore, also no mandamus can be made upon the educational institution concerned to retain the petitioner beyond 60 years.

33. The (supra) extracted relevant portion of the Panjab University Calendar Volume 1 Chapter VIII (A) and (E), when also occurs in the appointment letter issued to the present petitioner, thereby when the said applicable service norm to the petitioner, is but deemed to have been accepted by her. Therefore, when in terms of the regulation (supra), the age of superannuation of the petitioner is restricted to 60 years, thereby she cannot claim that her age of superannuation be extended to 65 years.

34. Furthermore, the reliance as made on a proposal, for thereby bringing the age of superannuation of teachers serving in private aided colleges, thus at par with the teachers serving in

Government colleges, within the U.T. Chandigarh (affiliated to Panjab University), rather is a misplaced reliance, as the service conditions of the teaching faculty in the privately managed colleges in U.T. Chandigarh are governed by the regulations of the Panjab University Calendar, and, unless in terms of the proposal (supra), thus amendment(s) are made in the said regulations, which however have not been made, as the proposed amendment theretos rather are pending approval from the Government of India. Therefore, also no argument can be well banked upon the proposal (supra) nor in terms of the proposal (supra) any indefeasible right is created in the educational institution concerned, or in the petitioner herein, to make any insistences upon the Government of India to beyond the age of 60 years, thus release grants-in-aid to the relevant educational institution, for thereby the institution concerned, thus meteing the relevant expenses towards the salaries and other allowances of the employees serving thereins.

35. The learned counsel for the petitioner, though has argued, that in cases LPA No. 1212 of 2022, in CWP-6266-2023, in CWP-12367-2023, in CWP-18133-2023, in CWP-21405-2023 and in CWP-25681-2023, interim orders permitting the petitioner(s) therein, to serve uptil 65 years, have been passed, thereby at par therewith similar treatment be meted to petitioner, but the said argument is also a mis-founded argument.

36. The reason for the above is comprised in the factum, that the said orders were passed in *personam* and were not in *rem,* especially also when the writ petitions (supra), remain not finally adjudicated upon by this Court, but only are interim orders, whereas,

with this Court making a final determination with respect to all the contention(s) as raised before this Court, and, which were also raised in the writ petitions (supra).

37. Therefore, and when all the submissions relating to the merits of the case have been decided against the petitioner. In consequence, the force, if any, of the interim orders, to the considered mind of this Court, thus holds no validity in law nor thereby the above claimed parity in terms therewith, but cannot be assigned to the petitioner.

FINAL ORDER OF THIS COURT.

38. In aftermath, this Court finds no merit in the writ petition, and, with the above observations, the same is dismissed.

39. However, this Court makes the hereinafter mandamus upon the respondent concerned.

40. The Comptroller and Auditor General of India is directed to appoint an independent qualified auditor to make an incisive auditings of all the independent financial resources garnered by the Government aided private colleges concerned, so that, thereby any purported faults, if any, in the earlier made auditings, do become detected, and subsequently responsibility becomes also fixed, upon, the earlier auditors concerned.

41. The above would ensure that the above be done also from the Income Tax Returns, filed by such institution(s) before the Income Tax Authorities, so that, therefrom the correctness or otherwise of the previously made auditings, does becomes earmarked.

42. For report of the qualified auditor, in respect of the direction (supra), being placed before this Court, the matter be listed for

30.04.2024.

43. No order as to costs.

44. Since the main case itself has been decided, thus, all the pending application(s), if any, also stand(s) disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

02.02.2024
kavneet singh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No