

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9074 OF 2025

Deepak Govind Deshpande ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

Dr. Uday P. Warunjikar (Through V.C.) a/w. Ms. Sonali Chavan, Mr. Prashant Kamble & Ms. Neha Deshpande i/b. Ms. Gargi U. Warunjikar for the Petitioner.

Mr. S.B. Kalel, A.G.P. for the Respondent No.1-State.

Mr. Satyajeet A. Rajeshirke a/w. Mr. Gautam R. Kulkarni for Respondent Nos.2 & 3.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : 24th September 2025.

P. C. :

1. Heard learned counsel Dr. Warunjikar for the Petitioner, learned counsel Mr. Rajeshirke for the Respondent Nos.2 & 3-Bhilwadi Shikshan Sansthan and learned A.G.P. Mr. Kalel for the Respondent No.1-State of Maharashtra through the Deputy Director of Higher and Secondary Education Department.

2. The challenge in this Petition under Article 226 of the Constitution of India is to the letter dated 1st April 2025 issued by the Respondent No.3-Trust, failing to forward the name of the Petitioner to the Respondent No.1-State for extension of service, as per the Government Resolution (G.R.) dated 12th July 2016.

3. The facts of the case in brief are that, the Petitioner applied for the post of Principal on 3rd June 2009. The Respondent No.3, which is affiliated to the Shivaji University, appointed the Petitioner on 3rd June 2009. By a communication dated 2nd June 2009, the Shivaji University, Kolhapur, granted approval to the appointment of the Petitioner, since he had all the requisite qualifications. The Respondent No.2 by an appointment letter dated 17th June 2009 informed the Petitioner that the Petitioner is appointed on the post of Principal with effect from 17th June 2009. The Respondent No.3 confirmed the appointment of the Petitioner as Full Time Principal in Respondent No.2-College with effect from 1st June 2010.

4. By G.R. dated 12th July 2016, the retirement age of Principals appointed in the colleges in rural, mountainous and adivasi areas was increased from 60 years to 65 years. There is no dispute that the Respondent No.2-College is situated in rural area, which has been so declared by the Gram Panchayat, Bhilwadi and Advocate Mr. Rajeshirke

also fairly does not dispute this position.

5. The Petitioner sent a letter dated 7th November 2024 with a request to extend the date of retirement of the Petitioner from 31st May 2025 to 31st May 2028, as per the G.R. dated 12th July 2016. The Respondent No.3-Trust sent a letter dated 28th December 2024 to the Petitioner whereby the Respondent No.3 asked for various details of the Petitioner for transferring the gratuity, pension, etc since he was about to retire on 31st May 2025, as he was about to complete the age of 62 years.

6. The Respondent No.3 asked the Respondent No.2 by a communication dated 1st January 2025 to initiate the process with respect to the appointment of the new Principal.

The Respondent No.3-Trust by a letter dated 29th January 2025 sent a letter to the Respondent No.2-School seeking information about the persons retiring in the next six months.

7. The Petitioner made a representation on 19th March 2025 to the Respondent No.3-Trust for the consideration of extension of service and increasing the age of retirement from 62 years to 65 years, as per the G.R. dated 12th July 2016. By a communication dated 1st April 2025 the Petitioner received a reply on his representation from the Respondent No.3-Trust that the Petitioner cannot be considered for extension. The Petitioner finally stood retired with effect from 31st May 2025.

8. Mr. Rajeshirke, learned counsel appearing for the Respondent Nos.2 & 3 submitted that the Petitioner's case for extension does not warrant any consideration. It is his submission that the Petitioner's services are not unblemished and that the Petitioner has committed certain acts which amount to breach of the service Regulations. It is submitted that it is only on account of the fact that the Petitioner was due to retire on 31st May 2025, no disciplinary action was initiated against the Petitioner, which is only by way of grace. It is therefore submitted that the G.R. dated 12th July 2016 can have no application in the facts of the present case.

9. Learned A.G.P. submitted that it is for the Management to initiate the process of extension of age of retirement by forwarding an appropriate proposal to the Shivaji University. It is there upon that as per the procedure as contemplated by the G.R. dated 12th July 2016, the case of the Petitioner for extension of age to 65 years has to be revived.

10. We have carefully perused the relevant provisions of the G.R. dated 12th July 2016 with the assistance of the learned counsel for the Petitioner as well as Respondents. A bare reading of the said G.R. leads to only one conclusion that the Petitioner is entitled to have his case revived for extension of his age of retirement from 60 years to 65 years. We have therefore no hesitation in allowing this Petition by setting aside

the impugned communication dated 1st April 2025.

11. The Respondent No.3-Trust shall now forward a proposal for reviving the case of the Petitioner for extension of age to the Shivaji University within a period of two weeks from today. After the proposal is received by the University, same shall be considered by the University in accordance with the procedure laid down in the G.R. of 2011 within a period of four weeks therefrom. The decision of the University has then to be placed before the Joint Director of Education, Kolhapur in accordance with the G.R. of 2011. The Joint Director is requested to take a decision thereon within a period of two weeks from the receipt of the decision by the University.

12. Mr. Rajeshirke, learned counsel for the Respondent Nos.2 & 3 submits that the advertisement for appointment as Principal, which the Management wanted to publish, has not been published so far, as it have not received the permission.

13. In the light of the aforesaid order and now that we have set aside the impugned communication, the question of issuing fresh advertisement does not arise till a final decision is taken on the extension of the age of retirement of the Petitioner in accordance with the G.R. of 12th July 2016.

14. Mr. Rajeshirke, learned counsel for the Respondent Nos.2 & 3

submits that for a period from 2019 to 2022, the Petitioner was working in a college in Urban area. However, Dr. Warunjikar, learned counsel for the Petitioner submits that such discharge of duties in the Urban area was subject to the lien which the Petitioner retained on the post of the Principal in which he was substantially appointed in the Rural area. In this view of the matter, the proposal made accordingly be considered in the light of the G.R. of 12th July 2016.

15. The proceedings to be initiated for any misconduct is a subject matter which is different from the extension of the age of retirement. If at all the Management wants to initiate any proceedings against the Petitioner for breach of the service Regulations or for an alleged act of misconduct, it is for the Management to do so in accordance with law.

16. Petition is disposed off in the aforesaid terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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