

**N.N. Srivastava Vs. Vice-chancellor, Bundelkhand University, Jhansi and Another**

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**Court :** Allahabad

**Decided On :** Jun-12-2000

**Reported in :** 2000(3)AWC2381; (2000)3UPLBEC2079

**Judge :** A.K. Yog, J.

**Appeal No. :** C.M.W.P. No. 26992 of 2000

**Appellant :** N.N. Srivastava

**Respondent :** Vice-chancellor, Bundelkhand University, Jhansi and Another

**Advocate for Def. :** S.C.

**Advocate for Pet/Ap. :** Ashish Srivastava, Advs.

**Judgement :**

A. K. Yog, J.

1. The petitioner has filed representation dated 19.4.2000 addressed to the Vice-Chancellor, Bundelkhand University, Jhansi, contending that he is going to retire on 13.6.2000 at the age of superannuation, i.e., 60 years (as contemplated under existing statutes of the University).

2. It appears that the petitioner is working as a teacher in the department of Physics in Atarra Degree College, Atarra, an affiliated College of Bundelkhand University. Admittedly, age of superannuation at -present under law is 60 years.

3. The petitioner being prompted by a Division Bench Judgment of this Court making observation only to the State Government for accepting University Grants Commission recommendation for enhancing age of superannuation has filed this petition.

4. The whole thrust of the petitioner is based on the Division Bench judgment of this Court in Prof. Chandra Prakash Jha and others v. Vice-Chancellor, Allahabad University and others, (2000) 2 UPLBEC 1134.

5. In the aforementioned case of Pro/. Chandra Prakash Jha (supra), Division Bench repelled the contention as has been made in the present petition also and held that there was no legally enforceable right as such on the basis of U.G.C. recommendation. In para 24, the Division Bench made a sweeping observation which reads :

'In our opinion, the age of retirement of University teachers should certainly be increased to 62 years age. As observed by the Supreme Court in T. P. George's case. 1992 Supp (3) SCC 191. If a University teacher is made to retire earlier, students will lose the benefit of his experience.....'

6. The Division Bench appears to have primarily supported its Observation on few grounds as follows :

'In certain universities in other States the age of retirement of teacher is 62 years, but that cannot be the basis

for making recommendation to the State Government for accepting the U.G.C. recommendation.'

7. The Division Bench has further observed that experience of a teacher should not be lost. One does not know as to how much experience a teacher has gained. Common experience is that University teachers barring a few are not taking their classes and there is mushroom growth of Coaching Institutions.

8. I have no doubt that unless a teacher of the University is made accountable and the Government makes relevant Rules to ensure that no teacher in the University or its affiliated colleges permitted to devote himself to coaching institutes.

9. It is true that if such restrictions are to be imposed, they must get attractive emoluments also. A close look would reveal that as and when pay scales were revised, better emoluments were provided and the Courts interfered with the educational Institution, the situation has worsened instead of improvement.

Moreover with the fast changing knowledge, new methods, technology, an old teacher will not be as good as a fresher. Old surgeon may not know the ABCD of plastic surgery. New blood must be Inducted to keep the system relevant and alive.

10. The above observation should not be taken as opposing the recommendation of the U.G.C. but the same have been made for consideration of the State Government. While considering the recommendation of the U.G.C., particularly with regard to the observation requiring accountability and ensuring that teachers are not permitted to devote in the commercial coaching institutions. Coming to the present case, I find no violation of any statutory provision.

11. The writ petition is wholly misconceived and is accordingly dismissed.

Let a copy of this judgment be sent to the State Government, U. P. and U.G.C., New Delhi for information and necessary action.

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