

Satish Chandra Sharma Vs. State of U. P. and Others

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Court : Allahabad

Decided On : Sep-04-2000

Reported in : 2000(4)AWC3082a

Judge : S.H.A. Raza and; R.D. Nigam, JJ.

Acts : Uttar Pradesh State Universities Act, 1973

Appeal No. : Writ Petition No. 1435 (SB) of 2000

Appellant : Satish Chandra Sharma

Respondent : State of U. P. and Others

Advocate for Def. : C. S. C.

Advocate for Pet/Ap. : Anil Kumar, Adv.

Judgement :

S.H.A. Raza and R.P. Nigam, JJ.

1. Professor Satish Chandra Sharrna, who is working as Head of Law Department of Nanak Chand Anglo Sanskrit College, Meerut, being aggrieved against the order dated 7.8.2000, by means of which he was asked to retire after attaining the age of 60 years, has filed the present writ petition. The petitioner also wants for issuance of a writ in the nature of certiorari quashing the Government Order dated

16.12.1999 issued by the State Government which prescribed the age of superannuation of the university or college teachers as 60 years.

2. The main thrust of Mr. Anil Kumar, learned counsel for the petitioner in the present writ petition is that in accordance with the recommendation of the University Grants Commission on 27.7.1998 a consolidated statement based on letters No. F. 1-22/97-U.I. issued on July 27, 1998, (Annexure-I), September 22, 1998 (Annexure-II) and November 6, 1998 (Annexure-III) by Ministry of Human Resource Development (Department of Education) was made, wherein it was provided that the age of superannuation of university and college teachers, Registrars, Librarians, Physical Education Personnel, Controller of examinations, Finance Officers and such other university employees who are being treated at par with the teachers and whose age of superannuation was 60 years, would be 62 years and thereafter no extension in service should be given. However, it will be open to a university or college to re-employ a superannuated teacher according to the existing guidelines framed by the UGC up to the age of 65 years. Hence it was urged that the petitioner be allowed to continue in service till he attains the age of 62 years.

3. On 27.7.1998, the Government of India, Ministry of Human Resource Development (Department of Education) has issued a circular, wherein it was provided that the age of superannuation of university and college teachers would be 62 years and thereafter no extension in service should be given. However, it will be open to a university or college to re-employ a superannuated teacher according to the existing guidelines framed by the UGC up to the age of 65 years.

4. As the petitioner was going to be retired after attaining the age of 60 years, he represented the Chancellor of the university for being retired after attaining the age of 62 years in accordance with the recommendations made by the Ministry of Human Resource Development. Undoubtedly, the institution to which the petitioner belongs, is affiliated to Chaudhari Charan Singh University, Meerut. The said university is governed by the State Universities Act as well as the Statutes framed thereunder. According to the State Universities Act and the Statutes framed thereunder, the age of retirement of a lecturer/reader/professor is 60 years, The

recommendations made by the Ministry of Human Resource Development have yet to be incorporated in the Act or in the Statutes framed either by the universities or by the State Government. In accordance with the recommendations, if the provisions of the Act or Statutes are not amended, the age of retirement of the teachers either in the affiliated colleges or in the university would remain 60 years till the provisions of the Act and the Statutes are amended accordingly.

5. In view of the aforesaid reason, we are of the view that the petitioner has no case to continue up to the age of 62 years. The order/notice, by means of which he sought to be retired from service at the age of 60 years, cannot be faulted.

6. The writ petition fails and it is accordingly dismissed.

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