

O.A. No.1234/2023 (D.B.)

(Ms. Anupama D. Deshraj Vs. State of Mah. & ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 17/11/2023.

ORDER

Heard Shri P.S. Wathore, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the State.

2. The learned counsel for the applicant has pointed out the advertisement dated 26/10/2023 for the post of Principal / Director of the Government Education College. He has pointed out the Condition no.7.2 of the advertisement. As per this condition no.7.2, the age criteria is mentioned as 54 years for open category and 59 years for reserved / backward category.

3. The learned counsel for the applicant has pointed out the UGC Regulations dated 30/06/2010. He has pointed out the Rule / Clause no.4.2.0. It is reproduced below –

“ i. A Master's Degree with at least 55% marks (or an equivalent grade in a point scale wherever grading system is followed) by a recognized University.

ii. A Ph.D. Degree in concerned/allied/relevant discipline(s) in the institution concerned with evidence of published work and research guidance.

iii. Associate Professor/Professor with a total experience of fifteen years of teaching/research/administration in Universities, Colleges and other institutions of higher education.

iv. A minimum score as stipulated in the Academic Performance Indicator (API) based Performance Based Appraisal System (PBAS), as set out in this Regulation in Appendix III for direct recruitment of Professors in Colleges.”

4. The learned counsel for the applicant has submitted that there is no age limit prescribed for the post of Principal. In the advertisement the age limit is shown. There is no relaxation for the post of woman category. The applicant is a woman and therefore the applicant has challenged the advertisement on the ground that the fixation of age limit in

the advertisement is contrary to the UGC Regulations dated 30/06/2010. Therefore, the learned counsel for the applicant prayed to grant stay to the advertisement dated 26/10/2023.

5. There is no age limit prescribed in the UGC Rule for the post of Principal that does not mean that the old aged person about 80-90 years should be appointed as a Principal. It is a matter of common sense that some age limit is to be there for the post of Principal. In respect of discrimination of age limit for open category is 54 years and for reserved / backward category is 59 years. The reservation for backward class is a social reservation and those persons from the reserved class should get the appointment for the higher post and therefore the relaxation is there.

6. The learned counsel for applicant has pointed out the Judgment of the Hon'ble Bombay High Court in the case of **Rekha Damodar Joshi Vs. State of Maharashtra & Ors., 2011 (2) Mh.L.J.,786**. From the perusal of the Judgment, it appears that the appeal was preferred under Section 9 of the M.E.P.S. Act which was registered before the School Tribunal. It appears that different criteria is there. Hence, it is not applicable to the case in hand. At this stage stay cannot be granted.

7. Issue notice to the respondents returnable **after two weeks**. Learned P.O. waives notice for State. Hamdast allowed.

8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

9. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

10. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

11. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

12. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after two weeks.

Steno copy is granted.

Vice Chairman

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