

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 424 of 2010 (S.B.)**

Gajanan S/o Shrawanji Kale, Aged about 57 years,  
Occ.-Government Service, Joint Director/ State Project Coordinator,  
Maharashtra Prathamik Shikshan Parishad, Jawahar Balbhavan, Netaji  
Subhash Marg, Charni Road (W),  
Mumbai – 400 004.  
Permanent R/o 55, Hanuman Nagar, Nagpur – 440 009.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Department of School Education,  
Mantralaya, Mumbai – 400 032.  
Through its Secretary.
- 2) State of Maharashtra,  
Department of Finance,  
Mantralaya, Mumbai – 400 032.  
Through its Secretary.
- 3) Director of Education,  
Directorate of Education,  
Pune – 411 001.
- 4) State Project Director,  
Maharashtra Prathamik Shikshan Parishad,  
Jawahar Balbhavan,  
Netaji Subhash Marg, Charni Road (W),  
Mumbai – 400 004.

**Respondents**

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**Shri S.M.Khan holding for Shri P.C.Marpakwar, Id. Advocate for the  
applicant.**

**Shri Khadatkar, Id. P.O. for the respondents.**

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**WITH****ORIGINAL APPLICATION No. 664 of 2010**

Narayan S/o Gulabsingh Chauhan,  
Aged about 58 years, Occ. -Service,  
R/o 10-B, Naik Layout, 3<sup>rd</sup> Bus Stop,  
Gopal Nagar, Nagpur – 440 022.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Department of Higher and Technical,  
Education, Mantralaya,  
Mumbai – 400 032.  
Through its Secretary.
- 2) Director of Higher Education,  
Central Building,  
Pune – 01.
- 3) Director,  
Government Institute of Science,  
Civil Lines, Nagpur.

**Respondents**

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**Shri S.M.Khan holding for Shri P.C.Marpakwar, Id. Advocate for the applicant.**

**Shri A.M.Khadatkar, Id. P.O. for the respondents.**

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**Coram :- Hon'ble Shri J.D. Kulkarni,  
Vice-Chairman (J).**

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**COMMON JUDGMENT**

**(Delivered on 07<sup>th</sup> December, 2017)**

Heard Shri S.M.Khan holding for Shri P.C.Marpakwar, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents (in O.A.Nos. 424 & 664 of 2010).

2. The applicant in O.A. No. 424/2010, Shri Gajanan Shrawanji Kale was working in the cadre of Joint Director in the Directorate of Education under Government of Maharashtra, School Education and Sports Department as a State Project Co-ordinator, whereas the applicant in O.A.664/2010, Shri Narayan Gulabsingh Chauhan was working as a Physical Training Instructor in the Government Institute of Science, Nagpur.

3. According to the applicant, the Government of Maharashtra in Medical Education and Drugs Department issued a G.R. dated 30/04/2010 whereby the age of the superannuation of the Director, Joint Director and Medical Teachers under the Directorate of Medical Education and Research has been extended from 58 yrs. to 62 Yrs. It is stated that the name of the Post, Grade, Scale of Pay, Recruitment Procedure, Nature of duties and Responsibilities, Condition of Service, Service rules of the applicant and those of the posts mentioned in the Govt. Resolution dated 30/04/2010 are similar and, therefore, the Govt. cannot make discrimination in applying the criteria of superannuation to the Director, Joint Director and Teachers under the Directorate of Medical Education and Research and those working under Directorate of

Education. The State, therefore, should have granted the benefit of Govt. Resolution dated 30/04/2010 to the applicants also, otherwise it may violate Article 14 of the Constitution of India, which guarantees equality before law. The applicants have received communication about their retirement on superannuation on completion of 58 yrs. of age. The applicants have, therefore, claimed that the appropriate writ, order or direction requiring the responsibilities to extend the age of superannuation of the applicants from 58 yrs. to 62 yrs. be issued and the applicants be extended that the benefit of Govt. Resolution dated 30/04/2010.

4. The respondents have filed affidavit-in-reply in O.A.424/2010. According to the respondents the, decision taken by the Department of Medical Education Department is applicable to that department only and the same cannot be applied to the School Education Department, as both the departments are separate. It is also stated that the duties and responsibilities of the Officers working in School Education and Medical Education Department are also different and, therefore, there is no question of discrimination.

5. In the rejoinder affidavit, the applicants tried to justify the claim so and submits that the Directors and Joint Director under Medical Education and Drug Department are not Teachers and are not discharging the duties of Teachers and still the Govt. Resolution has been

made applicable to them. It is stated that the School Education is basic foundation for any discipline and is a very challenging task, for which experienced and efficient officers are required in Directorate of Education. There is an acute shortage of such officers and, therefore, the Govt. Resolution may be made applicable to the applicants also.

6. The Id. counsel for the applicants placed reliance on the Judgment delivered by the Hon'ble High Court of Judicature at Bombay in Writ Petition No. 788/1980, delivered on 24<sup>th</sup> July, 1989. In the said case, the Govt. Resolution provided that the age of superannuation of Teachers in Govt. Colleges and Institute of Science will continue to be 58 yrs. as before and the age of superannuation of other Teachers would be 60 yrs. and it was held that such resolution is discriminatory and unconstitutional. The Id. counsel for the applicant also placed reliance on the Judgment delivered by this Tribunal at its Aurangabad Bench in O.A.288 and 883/2010 in the case of **Shri Madhukar Govindrao Pawar and Another Vs. State of Maharashtra & 3 Ors., delivered on 14/06/2011.** In the said case the issue before this Tribunal was about discriminatory treatment given by the Govt. to Physical Instructors/ Librarians serving in Govt. Medical Colleges as compared to individuals working on the same posts either in the private Medical Colleges or in the Colleges imparting education in other faculty. In the present case the applicants are working in Education Department whereas the resolution

on the basis of which the applicants are claiming extension of age for superannuation is issued by the Govt. of Maharashtra in its Medical Education Department. The claim of the applicants is therefore, clearly on the basis of Govt. Resolution dated 30/04/2010 which is made applicable in Medical Education Department only. The Govt. has extended the age limit of the officers serving in Medical Department with some specific motive and the said motive can be seen clear from the introduction clause of the Govt. Resolution. For the purpose of convenience the said Govt. Resolution is reproduced as under :-

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**o\$ dh; f'AKA Ao vKSW/hnD; sfoHAAx**  
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**ea;ky; ] eqb& 400 032-**  
**fnukd % 30 , fi y] 2010**

**izrlouk&**

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HAjrh; fpdfRI k dlnz i fj"Ansuz HAjrh; vk; fpKku i fj"Ansusrl p dlnz 'Akl ukus jkT; 'Akl ukP; k 'Akl dh; o\$ dh; ] nar o vk; pn egkfo | ky; krhy v/; ki d l dxkz-hy vf/Adk&; kps fu; ro; keku l okfuORhps o; ok<fo.; kps l fpr dsys vkgs rnuq kj

o\$ dh; f'A{A.A o l áAks' Au l pkyuky; vkf.A vk; pñ l pkyuky; krhy l pkyd]  
 l gl pkyd rl p 'kkl dh; o\$ dh; ] nr o vk; pñ egkfo | ky; krhy vf/A" Bkrk o  
 v/; ki dka; k fu; ro; keu l okfuorRrhp s o; ke; kñs ok< dj.; kph ckc 'AkI ukP; k  
 fopkj k/ñu gkrh-

**'AkI u fu. A. &**

o\$ dh; f'A{A.A o l áAks' Au l pkyuky; vkf.A vk; pñ l pkyuky; krhy l pkyd]  
 l gl pkyd rl p 'AkI dh; o\$ dh; ] nr vkf.A vk; pñ egkfo | ky; krhy vf/A" Bkrk o  
 v/; ki dka; k fu; ro; keku l okfuorRrhp s o; 58 o" Akñ: u 62 o" A. dj.; kpk fu. A.  
 'AkI ukus? Ar- yk vkgs

2- l nj vkns' A forr foH Akxkus vuki pkjhd l mHAZ dekd 88@10@l ok&4] fnukd  
 30-4-2010 vlo; sfny\$; k l gerhud kj fuxfer dj.; kr ; r vkgr-

3- l nj vkns' Akph væyc tko. Ah vkns' AkP; k fnukd ki kl u dj.; kr ; bñy-

4- l nj 'AkI u fu. A. & egkjk" V" 'AkI ukP; k [www.maharashtra.gov.in](http://www.maharashtra.gov.in) ; k l x. Ad  
 l dsr LFAGkoj mi yc/A vl u R; kpk l x. Ad l dsrkd 20100430173330001 vl k  
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7. The plain reading of the aforesaid G.R. clearly shows that the said Govt. Resolution is applicable only for the officers serving in Medical Education and Research Department concerning Ayurved, Govt. Medical Colleges, Dental Colleges. By no stretch of imagination such Govt. Resolution can be made applicable to the Education Department.

8. According to the Id. counsel for the applicants the responsibilities of the Joint Director or State Project Co-ordinator like applicant Gajanan Kale and Physical Training Instructor like applicant Shri Narayan Gulabsingh Chauhan are similar to those officers whose age of superannuation can be extended vide Govt. Resolution dated 30/04/2010. In the rejoinder affidavit, the applicant Gajanan Kale has stated that School Education is a basic foundation for any discipline and this is a very challenging task for which experienced and efficient officers are required in Directorate of Education. As already stated in the introduction clause of the Govt. Resolution dated 30/04/2010, the reasons for extending the age of superannuation of Medical Officers and other officers in Medical Education Department has been mentioned. It is for the Govt. to decide as to which officers are required to be considered for extension of age limit as regards superannuation and in its policy decision, the Govt. has decided to extend the superannuation age of officers mentioned in Govt. Resolution dated 30/04/2010. Since this Govt. Resolution is applicable to Medical Education and Research



Department only, the same cannot be made applicable to Education Department too. No discrimination is made by the Govt. in not granting extension to the officers like applicants of Govt. of Maharashtra and officers like applicant in Education Department and, therefore, the contention that the Govt. Resolution is discriminatory has no substance. The applicant has already got retired, and hence, there is absolutely no reason to make applicable the Govt. Resolution dated 30/04/2010 to the applicants. Hence, the following order :-

**ORDER**

- 1) O.A. 424 and 664/2010 both stand dismissed.
- 2) No order as to costs.

**Dated :- 07/12/2017**

aps

**(J.D. Kulkarni)  
Vice-Chairman (J).**