
(2011) 04 UK CK 0045

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 136 of 2009

Dr. Brij Pal Tyagi

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 04-04-2011

Acts Referred:

Central Universities Act, 2009 — Section 4

Citation : (2011) 04 UK CK 0045

Hon'ble Judges : Barin Ghosh, C.J;Sudhanshu Dhulia, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J.—The Petitioner is now being represented by Mr. Sanjay Bhatt, Advocate, who has filed his Vakalatnama today in Court. The same is placed on record. Rejoinder affidavit filed in the Court is also accepted.

2. The Petitioner was a Reader in one of the affiliated Colleges of H.N.B. Garhwal University, which at the relevant time was a State University. With effect from 15.1.2009 the said State University has become a Central University and the age of superannuation of teachers in the Central University is increased to 65 years from 60 years. The retirement age of 65 years as per the Notification issued on 31.12.2008 was applicable only to the teachers of the Central University, which H.N.B. Garhwal University had so become after 15.1.2009. Admittedly the lecturer, readers and professors in the affiliated colleges were not covered by the said notification. Therefore, the relief being sought by the Petitioner that his age of retirement should also be increased from 60 years to 65 years as it has been done in the case of teachers of Central University, is totally misconceived.

3. Moreover, the writ petition is utterly ill advised inasmuch as the basis of the claim is on Section 4(f) of the Central Universities, Act 2009 in terms of which the affiliation of colleges and privileges of the University have been talked about and not about the condition of service of the teachers who were of affiliated

colleges.

4. The writ petition is dismissed.