
(2017) 05 MP CK 0072
In the Madhya Pradesh High Court
Case No : 950 of 2015

Ramesh

APPELLANT

Vs

Smt.Muktha Bai

RESPONDENT

Date of Decision : 08-05-2017

Acts Referred:

Constitution of India, Article 14, Artilce 309 - Appointment of Commission to inquire into and report on the administration of autonomous districts and autonomous regions
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Citation : (2017) 05 MP CK 0072

Hon'ble Judges : Vijay Kumar Shukla, Hemant Gupta

Bench : Single Bench

Judgement

1. The appeal was referred for decision of the Full Bench in respect of the following two questions: 1. Whether in view of the provisions of statute 28 of the College Code as amended and brought into force w.e.f. 7th January, 2004 and whether in view of the provisions of U. G. C. Regulation 2010, teachers working in the aided private institutes are also entitled to the benefit of having their age of superannuation fixed at 65 as is applicable in the case of Government Teachers?

2. Whether the Co-ordinate Bench of this Court while deciding the writ appeal in the case of Dr. Arun Kumar has laid down the principle correctly?" The said question has been answered by the Full Bench in Reference, vide opinion dated 8.5.2017 passed in Writ Appeal No.950/2015 (Dr. S.C. Jain Vs. State of MP and others).

In view of the opinion of the Full Bunch, the writ appeal stands dismissed.

However, if the appellant has worked by virtue of an interim order beyond the age of 62 years, he shall be entitled to salary for the period he has actually worked beyond the age of 62 years, which shall be payable by the Management

of the Private Institution in terms of the interim order passed in some of the writ petitions, including Writ Petition No.14230/2010 (Dr. Aziz-Ul-Hasan Ansari Vs. The State of MP and others).