

(1997) 09 KAR CK 0041

In the Karnataka High Court

Case No : Writ Petition No"s. 18560 to 18562 of 1997

Smt. G.K. Sowbhagya and Others

APPELLANT

Vs

State of Karnataka and Another

RESPONDENT

Date of Decision : 22-09-1997

Acts Referred:

Constitution of India, 1950 — Article 14, 16, 16 (1), 226
Karnataka State Universities Act, 1976 — Section 36

Citation : (1999) ILR (Kar) 804 : (1998) 1 KarLJ 612

Hon'ble Judges : H.L. Dattu, J

Bench : Single Bench

Advocate : Sri G.S. Visweswara, for the Appellant; Sri N.B. Bhat, for the Respondent

Judgement

1. Assistant teachers who impart knowledge to the students in schools maintained and established by Karnataka University, Dharwad, are before this Court in a joint petition filed under Article 226 of the Constitution, questioning the legality or otherwise of the amendment made, Amending Statute No. 7 in Chapter VI of the University Statutes and notified by the Chancellor of the University in exercise of the powers conferred on him by the Karnataka State Universities Act, 1976 (the "Act" for short) as unconstitutional and void. Further, they are questioning the action of the University, retiring them on attaining the age of 58 years.

2. Since common facts are there and the question of law being the same in all these petitions, they are clubbed, heard and disposed of by this common order.

3. The representative matrix of facts which are admittedly similar, if not identical may be noticed briefly in present case. The petitioner began her career as Assistant Teacher in University Public School managed and maintained by Karnataka University with effect from 24-9-1966. She was confirmed in the post she was holding on 24-9-1968. As a teacher, she imparts knowledge and educates students in the school. When she joined service, her service conditions

were governed by provisions under Karnataka University established under the Act of 1949, by Bombay Legislature. Under the said enactment, the age of retirement of teachers in the services of the University was 60 years.

4. In the year 1975, to enact uniform law relating to the Universities in the State of Karnataka, the Karnataka State Universities Act, 1976, came to be passed repealing the earlier enactment. Exercising powers specifically provided under the provisions of the Act, statutes were framed providing for conditions of service of the employees of the University.

5. Power to frame statutes is vested in the Senate, which is the supreme Legislative Authority of the University. Statute 7 in Chapter VI framed under the Universities Act provided for age of retirement of the teaching and non-teaching employees of the University. This amendment came into effect from 1st July, 1976. Statute No. 7 in Chapter VI reads as under:

"All University teachers shall retire at the age of 60 and all non-teaching employees of the University shall retire at the age of 55 years".

6. There was an amendment to the aforesaid statute in the year 1985 and by this amendment, teachers in the University were eligible to serve upto the age of 60 years and the non-teaching employees were asked to retire at the age of 58 years.

7. By a Notification No. Ka: V: VI: Anushashana: 97-98: 161, dated 28-6-1997, amended Statute No. 7 in Chapter VI, amending the earlier provision was brought into force from the date of notification. It is needless to say that the aforesaid statute has been amended by the University and the same has been approved by the Chancellor. The amended statute reads as under:

"All the University teachers shall retire at the age of 60 years and all the non-teaching employees of the University shall retire at the age of 58 years. The teachers of the Public School will retire at the age of 58 years".

8. The amended Statute No. 7 in Chapter VI of the statutes has come into force with effect from 28-6-1997. It deals with the service conditions of the employees of the University. To be precise, it speaks of the age of superannuation of different category of employees of the University. Insofar as the age of retirement of the teachers in the University and teachers in the University Public School has been categorised separately. This is a deviation from the earlier statute. An analysis of the amended statute envisages the following:

(a) All the University teachers shall retire at the age of 60 years.

(b) All teachers in the University Public School shall retire at the age of 58 years.

(c) All non-teaching employees of the University shall retire at the age of 58 years.

9. Apprehending that they may be asked to retire in view of the amended statute

since they have attained the age of 58 years, petitioners working in the University Public School assail the amended provision reducing the age of retirement from 60 to 58 years as discriminatory and is violative of Articles 14 and 16 of the Constitution of India. It is also urged that the amended statute is contrary to the decision of this Court in *S.E. Balagi v State of Karnataka and Another*.

10. Before I proceed further, I should notice the earlier lis between the teachers working in the University Public School and the University. By an order dated 24-9-1982, one Sri S.E. Balagi, an assistant teacher working in the University Public School was asked to retire, since he had attained the age of 55 years. This action of the University was questioned by the aggrieved teacher by filing a petition before this Court. The case of the petitioner before this Court was that since he is a teacher in the University High School he is entitled to continue till the age of 60 years as that is the age of superannuation of teachers. The University in its return had asserted that teachers in the University means only Professors, Readers, Lecturers appointed in the teaching staff of the University and not teachers in a High School though it is established and maintained by the University. It was their further case that the expression "University teachers" would only mean teachers in the colleges and the expression "non-teaching employees" would rope in all other employees including teachers working in University Public School and therefore the age of superannuation of teachers working in University High School is 55 years, since the statute prescribes the age of superannuation of the non-teaching staff at the age of 55 years. By an order dated 26-4-1983, this Court quashed the notice directing the assistant teacher to retire at the age of 55 years and was further pleased to declare that the age of retirement of teachers in the University High School under the statute of Karnataka University is 60 years. While holding so, the Court was pleased to notice that the teachers working in the University Public School and the teachers employed in the University discharge similar duties and functions and therefore the "assistant teachers" working in the University Public School would come within the meaning of the expression "University teachers" used in the statute and therefore the action of the University in directing the assistant teachers to retire from the service of the University at the age of 55 years is not only discriminatory and also violative of Articles 14 and 16 of the Constitution of India. This view was reiterated in the subsequent decision also.

11. Amendment to the Statute No. 7 in Chapter VI of the statutes seems to clarify the observations made by this Court in *S.E. Balagi's* case, *supra*, since the earlier statute did not make any distinction with regard to the age of retirement of teachers working in University High School and the teachers working in the University. In the absence of such clear demarcation in the language employed in the earlier statute, this Court clarified the position as regards the age of retirement of assistant teachers working in the University Public School as 60 years, which is applicable to the teachers in the University. The Court indicated the legal position prevailed at the relevant time.

12. Sri G.S. Visweswara, learned Counsel for the petitioners submits that the amended statutes are contrary to the observations made in S.E. Balagi's case, supra. In my view, this contention has no merit. After amendment of Statute No. 7 in Chapter VI, the position has changed and the observations made by this Court in the aforesaid decision would no more assist the assistant teachers working in the University Public School and at the cost of repetition it can only be said that this Court came to the conclusion that the age of retirement of teachers in University Public School is 60 years in view of the language employed in the statute before amendment when there was no distinction and demarcation with regard to the age of retirement of teachers in the University and the teachers in University Public School. In view of the amendment to the statute, a clear distinction is made with regard to the age of retirement of teachers in the University and the University Public School. I hasten to add that it is not in dispute nor it can be disputed, the power and competence of the University to frame, amend, vary, modify the statutes regulating the service conditions of its employees. Being fully aware of this legal position, Sri G.S. Visweswara turns his barrels and attacks the amended statutes and contends that the amended provisions are not only discriminatory but also violative of Articles 14 and 16 of the Constitution of India. In support of that contention, he once again heavily leans on the observations made by this Court in Balagi's case, supra. Support is weak and fragile and it not only bends but cracks and collapses like a house of cards. This Court in the aforesaid decision was pleased to observe that "there can be no doubt that teachers in a college and teachers in High School, both of which are maintained by the University fall into two well recognised classifications. This classification would be relevant not only for purposes of prescription of educational qualification for recruitment, method of recruitment, but also for salary and several conditions of service. But when it comes to the question of fixing the age of superannuation, it has no relevance because in the matter of fixing age of retirement, the criterion which is relevant is the nature of the posts".

13. In the absence of specific enumeration with regard to the age of superannuation of teachers working in Public School, Court was pleased to observe that "as far as the nature of duty is concerned, namely, teaching, whether it is in a college or a High School, it is substantially one and the same. Therefore if the University has considered that the age of 60 years would be the appropriate age of superannuation for teachers in the colleges, there is hardly any rational basis to say that in the matter of fixing the age of superannuation, the teachers of the High School are dissimilarly situated. Therefore, it appears to me, the construction of the statute suggested for the petitioner would be in conformity with the fundamental rights guaranteed under Articles 14 and 16(1) of the Constitution and the one suggested for the University would come into conflict with the two articles and would consequently render it void. This is an additional ground for accepting the construction of the statute suggested for the petitioner in preference to the one suggested for the University".

14. The framing of a statute which was long due was eventually done in the year

1997. The impact of the statute undoubtedly stultifies the decision of this Court in Balagi's case, supra, but this is another matter and it is wholly permissible for the Senate of the University to frame statutes laying down service condition which includes the age of superannuation which would be exclusively applicable to a class of employees, in the instant case, teachers working in University Public School. In fact, judgment itself makes it clear that the age of superannuation of teachers in the University was made applicable to the teachers in the Public School, in the absence of a specific provision in the statute and the Court taking into consideration similar duties and functions discharged by the teachers in the University and teachers working in Public High School was pleased to declare that they should also be retired only after attaining the age of 60 years. In that view of the matter, the contention that the amended statute could not and would not alter the rights enuring to the petitioners by virtue of the orders made by this Court in Balagi's case, supra, cannot be accepted.

15. Position that the teachers in a college and teachers in a High School both of which are maintained by the University fall into two well recognised class and this position cannot be disputed and indeed not disputed by Sri G.S. Visweswara, the learned Counsel, who is known for his fair submissions, but still says since the nature of the duties and functions that they discharge are similar if not identical, that the classification made by the University while framing the amended statute fixing different age for retirement and thereby treating equals as unequals is discriminatory and has no nexus to the object sought to be achieved namely efficiency of service and therefore violates Articles 14 and 16 of the Constitution of India. This contention of the learned Counsel for petitioners need not detain me for long and I cannot do better than to refer to the decision of the Supreme Court in the case of Katyani Dayal v Union of India:

"We have referred without comment, to a few earlier decisions of this Court and quoted the observations of learned Judges therein. These decisions and the observations extracted therefrom illustrate and emphasise that there was and there can be no absolutes when we consider claims to justice on complaints of inequality. The marxian ultimate of a classless society, however laudable that may be, is evidently not what is sought to be achieved by Articles 14 and 16 of the Constitution. The goal is a limited one. It is equality among comparables. A necessary, but not necessarily cynical, implication of equality among comparable is the permissibility of reasonable classification, having nexus with the object to be achieved. So, it was said that if two services started and continued dissimilarly, though they apparently discharged similar duties, they were not comparable services so as to furnish a basis for the claim to equality -- State of Punjab v Joginder Singh. But if, in the same service there were two sources of recruitment to the same posts, a classification based solely on source of recruitment was not permissible -- Roshan Lal Tandon Vs. Union of India (UOI), and Mervyn Coubindo and Others v Collector of Customs, Bombay and Others. This was also the principle of the decision in S.B. Patwardhan and Another Vs. State of Maharashtra and Others, . Even so, Chandrachud, J., Krishna Iyer, J. and

Bhagwati, J., had to recognise, even if reluctantly, that even among the members of the same service, a classification, based otherwise than on mere source of recruitment such as educational qualification was at times permissible. But necessary words of caution against making "minute and microcosmic" classification were uttered -- *The State of Jammu and Kashmir Vs. Shri Triloki Nath Khosa and Others*, and *Mohammad Shujat Ali and Others Vs. Union of India (UOI) and Others*, . Chandrachud, J. however drew the line when among members of the same service a classification was sought to be made between those who had been recruited on the basis of results of a competitive examination and those who had come in by the method of interview. But here again he felt constrained to say that those who were appointed to ex-cadre posts outside the rules and whose tenure was therefore precarious could not claim to be treated on the same footing as those who were appointed strictly in accordance with the rules and to posts borne on the cadre of the service -- *H.S. Verma and Others Vs. Secretary, Ministry of Shipping and Transport and Others*, ".

16. Keeping in view the observations made by Supreme Court in *Katyani's* case, *supra*, let me now advert to the facts in the instant case. By the amended statute the University fixes different ages of superannuation, one for the teaching staff in the University and the other for the teaching staff in the University Public School. In the statement of objections filed, University states that there is no discrimination in fixing the age of superannuation for the teachers in Public School and the University. It further states that "it is always open to the University to fix different ages of retirement for different categories of staff. The teaching staff of the University belongs to one class and the teaching staff in the Public School belongs to different category".

17. In my view, there is nothing common between the teachers in the University and the teachers in the Public High School, except that both impart knowledge to the students and both perform the same kind of teaching work under the same administrative control of the same authority and may be the Appointing Authority is also the same. There the similarity ends. They do not belong to the same service. Their cadres are different. Their methods of recruitment is not the same. All the appointments/promotions are within the cadre. Their promotion, avenues, charter different courses and to crown all this, their pay structure and scheme of promotion have no common feature. Examined on the touch stone of the tests laid down by the Supreme Court in *Katyani's* case, *supra*, to judge whether a separate cadre has been carved out a class of service, the conclusion on the facts in the present case is inescapable that the teachers in University and University Public High School constitute a category of their own. Thus on account of having different attributes and incidents, the category of teachers in University Public School becomes a separate class itself and therefore there is no discrimination and therefore Articles 14 and 16 are not violated in any manner. It is now well-settled that the provisions can be made providing different ages of retirement for different classes of people. Supreme Court in the case of *Bishun Narain Mishra*

Vs. State of Uttar Pradesh and Others, , has observed "that the conditions of service can be modified and applied to those who have been in service even prior to modification of the conditions of service because service under the University is not a matter of contract but it is a matter of status as it is governed by the Act and the statutes relating to service conditions".

18. During the course of the arguments, on the basis of what is contained in the reply affidavit, Sri G.S. Visweswara, learned Counsel contends that the procedures adopted by the University while framing amended Statute No. 7 in Chapter VI is contrary to Section 36 of the Universities Act, and therefore submits that the same should be declared as ultra vires and null and void. In order to appreciate the contention of the learned Counsel, it will be useful to extract Section 36 of the Universities Act. The same reads as under:

"36. The statutes -- Their making:--

(1) The statutes may be made, amended or repealed by the Senate in the manner hereinafter provided.

(2) The Senate may take into consideration the draft of a statute either of its own motion or on a proposal made by the Syndicate. When the draft is not proposed by the Syndicate, the Senate shall obtain the opinion of the Syndicate thereon before considering the same:

Provided that if the Syndicate fails to submit its opinion within three months from the date it receives the draft, the Senate may proceed to take the draft into consideration.

(3) The Senate if it thinks necessary, may also obtain the opinion of any Officer, authority or body of the University in regard to the draft statutes before it takes them into consideration:

Provided that where such draft statutes pertain to academic matters, the Senate shall obtain the opinion of the Academic Council before considering it.

(4) Every statute passed by the Senate shall be sent to the State Government for submission to the Chancellor for assent. The State Government shall transmit the statutes along with its comments to the Chancellor within three months from the date on which it received the statutes from the University. The Chancellor may within one month of the date of receipt of the statutes from the State Government give or withhold his assent thereto or refer it to the Senate for further consideration.

(5) No statute passed by the Senate shall have validity until assented to by the Chancellor".

19. Sub-section (1) of Section 36 says that the statutes may be made, amended or repealed by the Senate which is the supreme Legislative Authority of the University. Sub-section (2) envisages that the Senate suo motu may take into consideration the draft of a statute or on a proposal made by the Syndicate,

which is the supreme executive body in whom it vested the management and administration of the revenues, properties and the control of all administrative affairs of the University. If the draft of the statute is not proposed by the Syndicate, then the Senate shall obtain the opinion of the Syndicate before considering the same and if no opinion is received from the Syndicate within three months, the Senate on its own may consider the same. Sub-section (3) authorises the Senate to take opinion in regard to the draft statutes from any Officer, authority or body of the University and if it pertains to academic matters, it is obligatory for the Senate to obtain the opinion of the Academic Council. Sub-section (4) conceives that the Senate shall send the approved draft, statute to the State Government for submission to the Chancellor for assent, which shall with its comments place them before the Chancellor for his assent within three months from the date it receives the statutes from the University. The Chancellor may give or withhold his assent or refer it to the Senate for further consideration within one month from the date of receipt of the statutes. Sub-section (5) says that the statute passed by the Senate will have no validity unless and until it is assented by the Chancellor.

20. Having noticed the provisions, let me now advert to the contentions raised by learned Counsels. In the present case, Syndicate in its meeting held on 16-3-1996, passed a resolution to amend the existing Statute No. 7 in Chapter VI of the statutes. The unamended statute was silent insofar as the retirement age of teachers in University Public School. The note that was before the Syndicate in its meeting held on 16-3-1996 is extracted in extenso, since the same is very relevant. The note that was before the Syndicate reads as under:

"Proceedings of the Senate meeting:

The amendment made by the Syndicate in relation to the retirement age of University Middle School is submitted for the consideration of the Senate.

Note.-- All the University teachers shall retire at the age of 60 and all the non-teaching employees of the University shall retire at the age of 55.

As per the approval of the Governor in Government Order No. ED 21 UKS 82, dated 13-8-1985, in relation to amended statute concerning retirement age, the age of retirement of teachers is 60 and the age of retirement of non-teaching employees is 58 as per Note 2.

As per the said statute, the teachers in the Middle School are being retired at 60 years.

Keeping in view of the rules concerning the conditions of service of teachers in Middle Schools in Karnataka State, the age of retirement of teachers working in University Middle School is fixed at 58 years and the existing statute is amended as below and the draft of the said statute is sent to Syndicate for its examination (consideration)".

(Amended Statute)

"All the University teachers shall retire at the age of 60 and all the non-teaching employees of the University shall retire at the age of 58. The teachers of the Public School will retire at the age of 58 years".

21. The Syndicate in its Resolution No. 9 passed the following resolution:

"Syndicate in its Resolution No. 9, dated 16-3-1996, passed the following resolution:

"The draft of the amended statute is approved by this resolution as per the approval of the Senate. Further it is resolved that the teachers of the Middle School and Primary School to be appointed hence forth, shall retire at the age of 58 years. Further it is resolved to submit the draft of the amended statute to the Government for the approval of the Chancellor".

The resolution of the Syndicate is submitted to the Senate.

The draft of the amended statute prepared in accordance with the Grant-in-Aid is approved".

22. The Syndicate approved the draft of the amended statute. The amended statute only envisaged that teachers in the University will retire at the age of 60 years, non-teaching at the age of 58 years and the teachers working in the University Public School will retire at the age of 58 years. The Syndicate also decided that the amended statute should be made applicable to the teachers of the Middle School and Primary School to be appointed henceforth. A reading of the resolution gives clear indication that the Syndicate consented for the draft amended statute that was before them in its meeting held on 16-3-1996 and further decided to apply the amended statute to new entrants to the post of teachers in the University Public School. The approved draft amended statute along with the decision of the Syndicate taken in its meeting held on 16-3-1996, was placed before the Senate in its meeting held on 28-9-1996, for its consideration. The Senate approved the amended statute prepared in accordance with the Grant-in-Aid Code. The resolution of the Senate dated 28-9-1996, reads as under:

"The draft of the amended statute prepared in accordance with the Grant-in-Aid is approved".

23. A reading of the material produced by the respondent-University suggests that the Senate only passed the approved amended statute prepared in accordance with Grant-in-Aid Code. It is silent insofar as the decision taken by the Syndicate with regard to its application, in the sense whether it should be applied to all the teachers, who are already working in the University Public School or it should be applied to new entrants. Therefore, it is implied that the Senate did not endorse the design of the Syndicate.

24. What was sent by the University in its covering letter dated 6-4-1996, to the State Government for submission to the Chancellor with a request to get it

assented is the amended statute passed by the Senate in its meeting held on 28-9-1996. The letter of the University dated 28-11-1996, reads as under:

"KU: CASV: Shikshaka: 96-97:/8585 28-11-1996 Secretary, Education Department (University), Govt. of Karnataka, 5th and 6th Floor, Multistoreyed Building, II Stage, Dr. Ambedkar Road, Bangalore-1.

Sir, Sub: Karnataka University Act, 1976, Section 28 relating to the proposed amendment. Ref: This office letter No. CASV: Shikshaka: 96:54, dated 6-4-1997. Under letter referred to above, as per the resolution of the Syndicate with the approval of the Senate, the proposed amendment to the age of the superannuation relating to University teachers and non-teaching employees had been submitted to get the approval of the Chancellor. With reference to the said subject, the Senate has passed a resolution on 28-9-1996 and the copy of the same is submitted herewith for your consideration. The draft of the said amendment may be got approved from the Chancellor and sent.

Yours faithfully, Sd/- Registrar".

25. A reading of the letter gives an indication that what was submitted is the resolution passed by the Senate in its meeting held on 28-9-1996. The resolution that was approved by the Senate as I have already noticed is the draft amended statute prepared in accordance with Grant-in-Aid Code and not the decision of the Syndicate about its application to the new incumbents only.

26. The State Government with its comments had transmitted the statutes to the Chancellor of the University. The Chancellor in turn exercising his powers has approved the amended Statute fixing the age of superannuation at 58 years in relation to teachers of University Public School and the same is notified by the University in its notification dated 28-6-1997.

27. Sri G.S. Visweswara, learned Counsel takes exception to this amended statute and contends that the resolution of the Syndicate as approved by the Senate was to apply the amended statute to the fresh incumbents to the posts of teachers in the University Public School and what is approved is the amended statute without the incorporation of the modification suggested by its resolution by the Syndicate and therefore submits that the amended statute should be struck down as void and is in violation of Section 36 of the Act.

28. The submission of the learned Counsel is hypertechnical and is difficult to accept. The amended statute which was the subject-matter before the Syndicate in its meeting held on 16-3-1996, merely stated that the age of retirement of the teachers in the University Public School shall be 58 years. The Syndicate while endorsing the amended statute was pleased to decide that the amended statute should be applied to only those teachers appointed in the University Public School henceforth. When the matter came up before the Senate for its consideration, the Senate authorised the draft amended statute and there is no indication that the Senate concurred with the decision of the Syndicate that it

should be applied to the teachers appointed henceforth. The statute which is approved and passed was assented to by the Chancellor. In my view, what is sanctioned is what is approved and passed by the Senate in its meeting held on 28-9-1996. In view of that, I do not find any illegality or violation of the procedure prescribed u/s 36 of the Act.

29. The last contention that was canvassed by learned Counsel for petitioners was that the time frame indicated in sub-section (4) of Section 36 of the Act is mandatory and any contravention of this mandatory provision is fatal to the entire proceedings. According to the learned Counsel, since the Chancellor of the University has not assented to the statutes received from the State Government within a month from the date of receipt of the amendment, provision should be declared as null and void. The learned Counsel while continuing his submissions states that the draft statute passed by the senate was sent to the State Government for submission to the Chancellor with its comments on 28-11-1996 and the State has transmitted the statutes with its comments to the Chancellor within three months and the Chancellor has assented to the statute passed by the Senate only on 4-5-1997 which is beyond the period of one month prescribed under sub-section (4) of Section 36 of the Act.

30. The primary question that requires to be considered is whether sub-section (4) of Section 36 of the Act is mandatory or directory? Before I advert to this contention, it may be useful to note the observations made by Supreme Court in Ajit Singh's case (sic). The Court was pleased to observe:

"The order to determine whether a provision is mandatory or directory, there is no general rule which may help. It is the duty of the Court to try to get at the real intention of the Legislature by carefully attending to the whole scope of the statute to be construed".

31. Having noticed what the Apex Court has to say on this issue, let me now analyse the provisions of Section 36(4) of the Act. The contention of the learned Counsel for petitioners is that the provision mandates the Chancellor to give or withhold the assent within one month from the date of receipt of the statutes and in the instant case, the assent is given by the Chancellor only on 4-5-1997 and the same is beyond the time prescribed in the statute and therefore, the entire out-come of the proceedings are invalid. The Legislature has used the expression "may" in Section 36(4) of the Act. When the word "may" is used normally the statute is permissible or directory in the sense that non-compliance with those proceedings will not render the proceedings invalid. It does not mean that the directory statutory provisions are meant to be observed in their violation. The distinction between the mandatory provision of law and that which is merely directory in that strict compliance is required in the case of the former and where a substantial compliance in the case of directory provision is regarded as sufficient.

32. The language employed in sub-section (4) of Section 36 does not indicate

that if the Chancellor does not give his consent within the time frame stipulated, what would be its effect? It cannot be implied that it would lapse or deem to have been assented. The provision casts a duty on the Chancellor and it also indicates the manner of performance and negative words have not been used even to suggest that in the event of non-compliance of the provisions of sub-section would invalidate the proceedings.

33. In view of the above, I am unable to subscribe to the petitioners, learned Counsel's submissions that Section 36(4) is mandatory and violation thereof is fatal to the proceedings.

34. For the reasons stated, I do not find any good ground to interfere with the impugned amended Statute No. 7 in Chapter VI. Hence, the following:

ORDER

(a) Petitions are dismissed. Rule discharged.

(b) In the facts and circumstances of the case, parties to bear their own costs.