

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5696 OF 2018
[@ SPECIAL LEAVE PETITION (C) NOS. 13838 OF 2018]
[DIARY NO. 7694 OF 2018]

NARENDRA DEV UNIVESITY
OF AGRICULTURE AND TECHNOLOGY & ORS. Appellant(s)

VERSUS

BHUPENDRA SINGH RAWAT & ANR. Respondent(s)

J U D G M E N T

KURIAN, J.

1. Delay condoned. Leave granted.
2. According to the first respondent, he has been working as a Physical Instructor. Being thus in a teaching post, he is entitled to continue up to 62 years like other teachers. The High Court held in favour of the first respondent and thus, aggrieved, the appellant - University is before this Court.
3. Having regard to the peculiar facts of this case, we are inclined to hold that the respondent should be permitted to continue upto the age of 62 years. Ordered accordingly.
4. The appellants are granted a period of two weeks to implement this order. Needless to say, the

contempt proceedings will stand recalled. Accordingly, the writ appeal now pending in the High Court has become infructuous and is accordingly, dismissed.

5. In view of the above, the appeal is disposed of, however, leaving the question of law is kept open.

6. Needless to say that the impugned Judgment shall not be treated as a precedent.

.....J.
[KURIAN JOSEPH]

.....J.
[MOHAN M. SHANTANAGOUDAR]

New Delhi;
May 18, 2018.

ITEM NO.33

COURT NO.5

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 7694/2018

(Arising out of impugned final judgment and order dated 10-10-2017 in SAD No. 400/2017 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

NARENDRA DEV UNIVESITY OF AGRICULTURE
AND TECHNOLOGY & ORS.

Petitioner(s)

VERSUS

BHUPENDRA SINGH RAWAT & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.71495/2018-CONDONATION OF DELAY IN FILING and IA No.71501/2018-EXEMPTION FROM FILING O.T. and IA No.71496/2018-CONDONATION OF DELAY IN REFILING and IA No.71505/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 18-05-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. S. B. Upadhyay, Sr. Adv.
Mr. Shantanu Sagar, AOR
Mr. Anmol, Adv.
Mr. Nishant Kumar, Adv.
Mr. Jeevesh Prakash, Adv.

For Respondent(s) Mr. Sudeep Seth, Adv.
Mr. Anurag Kishore, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed
non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)