

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4915 OF 2015

[Amol s/o Purushottamrao Raut and one .vs. The State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Kshirsagar, counsel for the petitioners,
Shri D.M. Kale, AGP for the respondents.

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CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : SEPTEMBER 28, 2015.

Heard.

The learned counsel for the petitioners states that the issue involved in this case was also involved in Writ Petition No.6943/2014 and in identical set of facts, this court had declared that the provisions of the Maharashtra Civil Services (Pension) Rules, 1982 would be applicable to the petitioners therein. It is stated that in this case also though the school was brought on 100% grant-in-aid from the academic session 2005-06 by the Government Resolution, dated 6.3.2006. It is stated that in the decided case also, by the Government Resolution, dated 6.3.2006, the school was brought on 100% grant-in-aid from the financial year 2005-06 and the grants were released after issuance of the Government Resolution, dated 6.3.2006. It is stated that since the school was brought on grant-in-aid from the academic session 2005-06, in this case, the petitioner in this case would also be entitled to a similar declaration.

Shri Kale, the learned Assistant Government Pleader appearing on behalf of the State Government, does not dispute the factual statements made by the counsel and also does not dispute that the issue stands answered in favour of the petitioners by the

judgment dated 24.6.2015 in Writ Petition No.6943/2014.

Hence, for the reasons recorded in the judgment dated 24.6.2015 in Writ Petition No.6943/2014, we partly allow this writ petition. We hereby declare that the provisions of the Maharashtra Civil Services (Pension) Rules, 1982 would be applicable to the petitioners and the petitioners would not be governed by the new defined contributory pension scheme. The government should take appropriate steps in pursuance of this order. Order accordingly. No costs.

JUDGE

Gulande

JUDGE