

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 431 OF 2016**

Sou. Revati Ravindra Sabnis

....Petitioner

versus

The State of Maharashtra through its
Secretary, School Education and Sports
Department, Mantralaya and ors.

...Respondents

Mr. Prashant Bhavake, advocate for the petitioner.
Mr. V. M. Mali, AGP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 14th JUNE, 2016.

P. C. :

Heard learned counsel appearing for the respective parties.

2. The petitioner is aggrieved by the order dated 25th June, 2015 of the Education Officer (Secondary), Zilla Parishad-Kolhapur rejecting her proposal for pensionary benefits. The petitioner was appointed on temporary basis as part-time Librarian w.e.f. 3rd October, 1996 and she was continuously working as such till 30th August, 2008, on which date, she was appointed as full-time librarian. The petitioner superannuated on 29th February, 2016. In short, the petitioner was working as part-time Librarian for the period of approximately 11 years and full-time Librarian for the period of approximately 7 years. The

petitioner's proposal for pensionary benefits came to be rejected on the ground that she has rendered only 7 years full-time service and, therefore, not qualified to get pensionary benefits.

3. The petitioner claims that she is entitled to $\frac{1}{2}$ service rendered as part-time librarian to be considered for calculating the qualifying service. The petitioner has relied upon the decisions of the Division Bench of this Court in Jayshree Wd/o.Narayan Mhaske vs. State of Maharashtra and ors. 2005(6) BomCR. 382, Shivappa s/o. Bhujangappa Bembale vs. Stat of Maharashtra and anr. 2005(3) MH.L.J. 709 and decisions in writ petition No. 2354 of 2012 in the case of Jyoti Prakash Chougule vs. State of Maharashtra and ors. and writ petition No.8289 of 2013 in the case of Shalini w/o. Asaram Akkarbote versus the State of Maharashtra and ors. The above decisions unequivocally show that $\frac{1}{2}$ part-time service rendered by the petitioner is required to be considered while calculating the qualifying service.

4. Mr. Mali, learned AGP, however, submits that the Education Officer was not aware about these decisions and, therefore, rejected the petitioner's proposal for pensionary benefits. Mr. Mali submitted that the matter may be remanded to the Education Officer to take appropriate decision.

5. In the circumstances, we allow the petition by quashing and setting-aside the impugned order rejecting the petitioner's proposal for pensionary benefit and remand the matter back to respondent No.4- Education Officer who will take appropriate decision and forward the papers to respondent No.2 as expeditiously as possible and, in any case, within a period of four weeks from the date of receipt of this order.

6. The petition stands disposed of accordingly.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]