

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

941 WRIT PETITION NO. 1280 OF 2016

SANGITA DHARAMSING ADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Koralkar Arun H.
AGP for Respondents/State : Mr. P.S. Patil
Advocate for Respondents : Mr. R.S. Deshmukh for R/2 to 4.

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**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATE : 06.09.2017**

P.C. :-

1. Mr. Koralkar, the learned counsel for the petitioner submits that the petitioner initially was working with S.C. Ashram School since the year 2003. The petitioner was declared surplus and was subsequently absorbed with Zilla Parishad School on 19.09.2008. According to the learned counsel, the respondent nos. 2 to 4 be directed to provide the Provident Fund account number as petitioner is entitled for the old pension scheme of Maharashtra Civil Services (Pension) Rules, 1982.

2. Mr. Deshmukh, the learned counsel appears for respondent nos.2 to 4 and submits that the petitioner was absorbed with the respondent Zilla Parishad School, however, his seniority is required to be

counted from the day he joins his services with the Zilla Parishad as per clause-2 of the appointment order. The learned counsel further submits that the pension scheme is not made applicable to S.C. Ashram Schools.

3. It is a fact that pension scheme is not made applicable to the S.C. Ashram Schools and in writ petition 8911/2015 with connected writ petitions under the order passed in May 2017, it was observed that the matter is pending with the Hon'ble Minister for taking decision on the same.

4. In view of the fact that for S.C. Ashram Schools the pension scheme was not made applicable and the petitioner joined the services with the Zilla Parishad School in the year 2008, the grievance of the petitioner in the present writ petition cannot be entertained. In case the decision is taken by the Government and / or the Hon'ble Minister with regard to the applicability of pension scheme to the S.C. Ashram Schools, then, the petitioner may take further steps in tune with the decisions that would be taken in case of applicability of pension scheme to the S.C. Ashram Schools. Writ petition accordingly disposed of. No costs.

[MANGESH S. PATIL, J.]

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[S.V. GANGAPURWALA, J.]