

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

WRIT PETITION NO. 5321 OF 2011

Sandeep Vasantryao Patil and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri B. R. Warma, Advocate for the Petitioner.

Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 to 3.

Shri Gajanan Kshirsagar, Advocate h/f Shri M. S. Sonawane,
Advocate for the Respondent No. 4.

The Respondent Nos. 5 and 6 are served.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 15TH FEBRUARY, 2017.

PER COURT :

. Mr. Warma, the learned counsel for petitioners submits that, the petitioners are appointed on 01.06.2004 as Shikshan Sevaks. Their appointments are also approved by the Education Officer vide order dated 24.12.2004. According to the learned counsel, the institution i. e. the respondent No. 6 was on 100% grant in aid, when the petitioners were appointed. The learned counsel submits that, they are now being sought to be governed by the new pension scheme and same is illegal.

2. Mr. Kshirsagar, the learned counsel holding for Shri

Sonwane, the learned counsel for the respondent No. 4 submits that, the respondent No. 6 was on 100% grant in aid on the date of approval granted to petitioners.

3. We have also heard Mrs. Deshpande, the learned Additional Government Pleader for respondent Nos. 1 to 3.

4. As the petitioners are appointed prior to 01.11.2005 and on the date when the petitioners were appointed, the school was on 100% grant in aid, then in such a case the petitioners would be governed by the provisions of the Maharashtra Civil Services (Pension) Rules, 1982 and not by the new pension scheme. The said issue is no longer res-integra in view of the judgment of the Division Bench of this Court in a case of Homraj Hansaram Bisen and others Vs. State of Maharashtra reported in *2013 (2) Mh.L.J. 401*.

5. In the light of the above, the writ petition stands disposed of with clarification that, if the petitioners appointments are prior to 01st November, 2005, and their appointments are approved, they would be governed by the provisions of the Maharashtra Civil Services (Pension) Rules, 1982. The writ petition accordingly is disposed of.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]