

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

WRIT PETITION NO. 12763 OF 2016

Smt. Sarojini d/o. Bhagwanrao Parkhe .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.Santosh S. Jadhavar h/f. Mr. V.D. Patnoorkar, Advocate
for the petitioner.

Ms.R.P. Gour, AGP for respondent/State.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 23.11.2017

P.C. :-

1. The petitioner claims pensionary benefit. Mr. Jadhavar, learned Counsel submits that the petitioner was appointed as part-time Lecturer for the period 01.08.1990 to 14.05.2011 and subsequently w.e.f. 15.06.2011 as full time Lecturer. The petitioner retired on attaining age of superannuation on 31.07.2016. The services rendered by the petitioner as part time have to be calculated half for the purpose of pensionary benefits. The petitioner would complete total service of more than 15 years if the

part time service is considered as half. Learned Counsel relies on judgment of this Court in **Mukund s/o. Bapurao Dhadkar Vs. State of Maharashtra & Ors., 2016(3) Mh.L.J.280** and also judgment dated 29.04.2014 in **Writ Petition No.8289 of 2013 (Aurangabad Bench)**.

2. Learned AGP states that the part time employees and those working in night high schools are not eligible either to the Provident Fund Scheme or to Pension Scheme, as is laid down by Rule 70.4 of the Secondary School Code.

3. It would appear that at the time of retirement, the petitioner was working as full time employee and had rendered service as full time for more than five years. As has been held by this Court in the afore-referred judgment that the services rendered as part time can be considered as half and at the time of retirement the petitioner was working as full time Lecturer and the facts of the present case are akin to the facts in case

of **Mukund Vs. State of Maharashtra** and **W.P.8289 of 2013**,
referred supra, we pass following order :-

4. The writ petition is allowed in terms of prayer
clause (C). No costs.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]