

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

WRIT PETITION NO. 1304 OF 2016

Sharda Rajendra Aajbe

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. S.V. Natu, Advocate for petitioner.

Mr. S.P. Tiwari, A.G.P. for respondent – State.

Mr. Cedric Fernandes, Advocate h/f Mr. A.N. Kakade, Advocate for respondent no.3.

....

**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 12th DECEMBER, 2018

ORDER :

The learned Counsel for the petitioner submits that the respondents have refused to sanction and suspended the family pension to the petitioner. According to the learned Counsel, the husband of the petitioner was appointed as lecturer in Geography subject on 05th August, 1996. His appointment was approved by Pune University under order dated 18th December, 2010. The University Grants Commission has also granted approval as is clear from the communication of the University Grants Commission to Pune University. According to the learned Counsel,

the stand of Respondent Nos. 1 and 2 that the petitioner cleared M.Phil. qualification only in the year 2009, and as such, is not entitled for the pension is erroneous.

2. The learned Counsel for Respondent No.3 submits that the husband of the petitioner was appointed after following due selection process on 05th August, 1996 and his services are approved by the University Grants Commission, though the petitioner does not possess requisite qualification of NET/SET and possesses only M.Phil.

3. We have considered the submissions of the parties. The petitioner is claiming the benefit of Government Resolution dated 27th June, 2013. The husband of the petitioner was appointed on 05th August, 1996 as a lecturer in Respondent No.3 – College. It is not disputed that the appointment of the petitioner is made after following the due selection process. The communication of the University Grants Commission dated 27th March, 2010 to the Pune University refers that the University Grants Commission has granted exemption from NET examination as qualified candidate, at the relevant time, was not available. Government Resolution dated 27th June, 2013 has been interpreted by this Court at its Principal Seat in Writ Petition No. 13166 of

2017 under order dated 03rd October, 2018. It has been held by this Court that as per the said Government Resolution, the State Government has exempted the lecturers appointed between 23rd October, 1992 to 03rd April, 2000 from possessing the NET/SET qualification. Appointment of the husband of the petitioner appears to have been approved even exemption has been granted by the University Grants Commission. The husband of the petitioner died on 18th September, 2013. The said Government Resolution would apply to the husband of the petitioner. The date of death and/or retirement would not make any difference.

4. In light of the above, the impugned communication is quashed and set aside. The respondents are directed to sanction the family pension to the petitioner as per the rules, after verifying all other aspects of the matter within three months from today. Writ Petition is allowed and disposed of. No costs.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

SSD