

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

WRIT PETITION NO.3293 OF 2019

**SHANKAR BHAGWANRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**Advocate for Petitioner : Deshpande Priyanka R.
AGP for Respondents: S.G.Karlekar
Adv.Mrs.G.L.Deshpande for R.7.**

...

WITH

WRIT PETITION NO.3304/2019

**BOBADE RAGHUNATH KISHANRAO
VERSUS
THE STATE OF MAHARASHTRA AND ORS.**

...

**Advocate for Petitioner : Deshpande Priyanka R.
AGP for Respondents: S.G.Karlekar
Adv.Mrs.G.L.Deshpande for R.7.**

...

145 WRIT PETITION NO.3291 OF 2019

**VINAYAK DHONDIRAM GUTTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**Advocate for Petitioner : R.R.Deshpande h/f Deshpande Priyanka
R.**

**AGP for Respondents: P.K.Lakhotia
Adv. Kadam Vikram S. For R No. 7.**

...

WITH

146 WRIT PETITION NO.3292 OF 2019

**VISHWAS CHOKHAJI BHALERAO
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Deshpande Priyanka R.
AGP for Respondents: P.K.Lakhotia.
Adv.Dube Anjali for R.7.

CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE : 18/06/2019

PER COURT :

All these petitions involve common question of law and based on similar set of facts to avoid numerosity, are disposed of together.

2] The petitioners herein are appointed in the year 1993-1995 as Lecturers in various colleges. They have retired on attaining the age of superannuation. The contention of the learned counsel for petitioners is that these petitioners have put in pensionable service. The pension proposal is denied to them only on the ground that the petitioners did not pass NET/SET qualification. According to the learned counsel the benefit of Government Resolution dated 27/6/2013 would be available to the petitioners and would be entitled for the benefit of pension.

3] Mr.Karlekar, Additional Government Pleader submits that the Government pursuant to the Government Resolution dated 27/6/2013 has regularised services of those persons appointed between 23/10/1992 to 3/4/2000 though had not completed NET/SET but did not allow them regular pensionary benefits. In Condition No.18 it has been mentioned that the incumbents are not eligible and entitled for pensionary benefits and they are eligible for DCPS.

4] We have heard the learned counsel for petitioners and the learned AGP.

5] The issue involved in the present matters is no longer res-integra in view of the catena of judgments delivered by this Court. Reference can be had to the judgment at the Principal Seat in Writ Petition No.13166/2017 decided vide order dated 3/10/2018. The said judgment has been followed in various matters.

6] The details of the petitioners' appointment and the date of retirement is reproduced as under :

Sr.No.	Writ Petition No.	Name of the Petitioner	Post	Date of Appointment	Date of retirement
1	WP / 3291/2019	Vinayak Dhondiram Gutte	Director of physical education	08/08/95	31/08/2018
2	WP / 3293/2019	Shankar Bhagwanrao Deshmukh	Assistant Professor in economics	06/09/93	31/03/2018
3	WP / 3292/2019	Vishwas Chokhaji Bhalerao	Lecturer in Sociology	11/11/95	28/02/2015
4	WP / 3304/2019	Bobade Raghunath Kishanrao	Lecturer in Commerce	20/06/98	30/04/2018

7] Considering the aforesaid aspects of the matter, it is also not disputed by the respondents that the appointment of the petitioners have been made by due procedure of law and adhering to the

selection process.

8] In light of the above, the impugned communication is quashed and set aside. The respondents shall consider the case of the petitioners for sanction of pension as per rules after verifying the details of the appointment of the petitioners, the date of retirement and if they have put in pensionable service, shall accord sanction for pension to the petitioners.

9] Writ Petitions are disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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