IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1041 WRIT PETITION NO.2894 OF 2014

ROHIDAS VITTHAL BOLE AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

…

Mr. Manish P. Tripathi, Advocate for the Petitioners.
Mr. S. B. Yawalkar, AGP for Respondents-State.

WITH
WP/9493/2012 WITH WP/1237/2013 WITH WP/2259/2014 WITH WP/2391/2014 WITH WP/2534/2014 WITH WP/2576/2014 WITH WP/2577/2014 WITH WP/2626/2014 WITH WP/2635/2014 WITH WP/2656/2014 WITH WP/2773/2014 WITH WP/2817/2014 WITH WP/2828/2014 WITH WP/2853/2014 WITH WP/3014/2014 WITH WP/3015/2014 WITH WP/3016/2014 WITH WP/3082/2014 WITH WP/3088/2014 WITH WP/3111/2014 WITH WP/3123/2014 WITH WP/3147/2014 WITH WP/3149/2014 WITH WP/3205/2014 WITH WP/3207/2014 WITH WP/3211/2014 WITH WP/3212/2014 WITH WP/3213/2014 WITH WP/3215/2014 WITH WP/3217/2014 WITH WP/3327/2014 WITH WP/3424/2014 WITH WP/3425/2014 WITH WP/3472/2014 WITH WP/3610/2014 WITH WP/3636/2014 WITH WP/3642/2014 WITH WP/3646/2014 WITH WP/3661/2014 WITH WP/3765/2014 WITH WP/3836/2014 WITH CA/12338/2018 IN WP/3836/2014 WITH WP/3840/2014 WITH WP/3850/2014 WITH WP/3851/2014 WITH WP/3852/2014 WITH WP/3878/2014 WITH WP/3905/2014 WITH WP/3906/2014 WITH WP/4180/2014 WITH WP/4946/2014 WITH WP/5721/2014 WITH WP/5724/2014 WITH WP/5725/2014 WITH WP/5726/2014 WITH WP/6155/2014 WITH WP/6244/2014 WITH WP/6653/2014 WITH WP/7903/2014 WITH WP/8270/2014 WITH WP/8271/2014 WITH WP/8272/2014 WITH WP/8273/2014 WITH WP/8274/2014 WITH WP/8275/2014 WITH WP/8276/2014 WITH WP/8277/2014

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

DATED : 09th AUGUST, 2019.

PER COURT:-

1. In these matters, petitioners claimed to be appointed prior to 01.11.2005. However, the posts on which the petitioners are appointed are brought on 100% grant-in-aid after 01.11.2005.

2. The learned counsel for respective parties appear.

3. The learned A.G.P. points ought the judgment of Full Bench of this Court dated 30.04.2019 in Writ Petition No.8387 of 2013 with connected writ petitions decided at the Principal Seat.

4. In the said judgment the issue referred to Larger Bench is decided as under:

> "37. Under these circumstances, we answer the Reference as under:-
> Question No. 1:
> In the context of the right of an employee of private school or college of education to

receive pensionary benefits and the corresponding liability of the Government to pay the same, only those schools and colleges of education which are receiving 100% grant-in-aid can be termed as aided institutions.

Question No. 2 :

The employees who were appointed prior to 1.11.2005 in aided recognized primary, secondary schools as well as colleges of education which were receiving less than 100% grant-in-aid as on 1.11.2005 would be governed by the DCP scheme.

Question No. 3:

Similar will be the situation of the employees who were appointed prior to 1.11.2005 in aided primary, secondary and higher secondary schools as well as the colleges of education which were receiving less than 100% grant-in-aid as on 1.11.2005 but which became 100% aided before 29.11.2010 would also be governed by the DCP scheme."

5. In view of the judgment of the Full Bench of this Court referred to above, petitioners are not entitled to be governed by the old pension scheme. They would be governed by DCPS.

6. The writ petitions stand disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/August-19