

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

WRIT PETITION NO. 9215 OF 2018

Khaleda Mohd. Nasiruddin Ansari .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Vivek J. Dhage, Advocate for the Petitioner.

Shri Y. G. Gujrathi, A.G.P. for Respondent Nos. 1 to 3.

Shri B. N. Gadegaonkar, Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 12TH MARCH, 2019.

FINAL ORDER :

- . The petitioner assails the non grant of pensionary benefits.

2. Mr. Dhage, the learned advocate for the petitioner submits that, the petitioner was appointed on 08th January, 2000 as a lecturer with the respondent No. 4/college and he stood superannuated on 30th June, 2013. According to the learned counsel adhoc approval was granted only because the petitioner did not possess NET/SET qualification. The petitioner possessed the qualification of M.A. first class. The learned counsel relies on the Government Resolution dated 27.06.2013 to submit that those appointed upto 03.04.2000 were exempted from possessing

NET/SET qualification. The learned counsel relies on various orders passed by this Court in case of similarly situated employees such as Writ Petition No. 7517 of 2016 decided on 15.01.2019, so also Writ Petition No. 9494 of 2013 decided on 13th September, 2013.

3. The learned Assistant Government Pleader submits that, the petitioner was given adhoc approval and the petitioner did not possess NET/SET qualification, as such is not entitled for the pensionary benefits.

4. The order of approval is placed on record. The appointment of the petitioner is approved on condition that the petitioner may possess NET/SET qualification. The said order of approval is dated 27.06.2000 and 02.12.2000.

5. It is not the case of respondents that the petitioner was not appointed by duly constituted selection committee or by following due process of law. No other objection seems to have been raised by respondents except that the petitioner did not possess NET/SET qualification. The petitioner's appointment is dated 08.01.2000, in view of that the petitioner can avail benefit of Government Resolution dated 26.07.2013. We have in similar set of facts considered said fact in Writ Petition No. 7517 of 2016 under order dated 15.01.2019.

6. It also appears that initially appointment of petitioner was on non grant post and subsequently grant has been issued. It is for the authority to consider qualifying service of the petitioner from the date the petitioner is brought on grant in aid.

7. The pension proposal of the petitioner shall not be rejected on the ground that the petitioner did not possess NET/SET qualification, however, the authority may consider all other aspects of the matter. The same shall be considered expeditiously and preferably within a period of four (04) months from today. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb / March 19