

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11370 OF 2016

Pune Zilla Va Uccha Madhyamik Shala Granthapal Sangh Pune	..Petitioner
Versus	
The State of Maharashtra and another	..Respondents

**WITH
WRIT PETITION NO.2538 OF 2017**

Shala Granthapal Sangh Pune	..Petitioner
Versus	
The State of Maharashtra and another	..Respondents

**WITH
CIVIL APPLICATION NO.2887 OF 2017
IN
REJECTED CASE NO.1507 OF 2017
(WRIT PETITION STAMP NO.35301 OF 2016)**

Nagargoje Balaji Bhimrao	..Applicant
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IN THE MATTER BETWEEN

Nagargoje Balaji Bhimrao	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

Mr. B. S. Nayak, Advocate for the Petitioner in all Writ Petitions.
Mr. K. S. Thorat, AGP for the Respondent Nos.1 & 2 - State.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**

DATE : 3rd JULY, 2019

P.C.

1] The issue of employees of private aided schools being entitled to which superannuationary benefits became the subject matter of a debate in a batch of Writ Petitions lead matter being Writ Petition No.8387 of 2013. The issue was set at rest vide decision dated 30.04.2019 pronounced by the Full Bench.

2] The Full Bench held that employees of private schools appointed prior to 01.11.2005 would be entitled to pensionary benefits provided the institution was admitted to 100% grant-in-aid. Meaning thereby, the new pension scheme would not be applicable to said employees.

3] It is the case of the Writ Petitioners in Writ Petition No.11370 of 2016 and Writ Petition No.2538 of 2017 that its members were employed in 100% aided schools i.e. by the cut off date the schools were receiving 100% grant-in-aid and employment was before 01.11.2005 and thus their entitlement would be to superannuation benefits as per the old pension scheme. Unfortunately, for the Writ Petitioners in Writ Petition Stamp

No.35301 of 2016, either they were appointed post the schools were admitted to 100% grant-in-aid or after 01.11.2005.

4] Since the counter affidavits have not been filed in the Writ Petitions, while dismissing Writ Petition Stamp No.35301 of 2016, we dispose of the other two Writ Petitions declaring that the issue of placement in the pension scheme qua the members of the Petitioners would be covered by the Full Bench judgment. This would be subject to the Education Department verifying the correctness pleaded in the Writ Petitions. A mandamus is issued in the two Writ Petitions that the Education Department would apply the law declared by the Full Bench and after looking into the facts pass orders and communicate the same to the Petitioners.

5] Needless to state if it is held that members of the Petitioners would be covered by the old pension scheme, the accounts would be opened and number given to the employees.

N. M. JAMDAR, J

CHIEF JUSTICE