

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

WRIT PETITION NO. 2719 OF 2020

Shankar Supadu Shinde

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. P. S. Shendurnikar, Advocate for the Petitioner.

Mrs. V. S. Chaudhary, AGP for Respondent Nos. 1 and 2.

Mr. Y. B. Bolkar, Advocate for Respondent No. 3.

Mr. S. H. Tripathi, Advocate for Respondent No. 4.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 09th February, 2021.

PER COURT:-

. The petitioner herein is appointed in the year 1996 as a Lecturer in respondent No. 4 college. He has retired on attaining the age of superannuation. The contention of the learned counsel for petitioner is that the petitioner has put in pensionable service. The pension proposal is denied to him only on the ground that the petitioner did not pass NET/SET qualification. According to the learned counsel the benefit of Government Resolution dated 27.06.2013 would be available to the petitioner and would be entitled for the benefit of pension.

2. Mrs. Chaudhary, learned Assistant Government Pleader submits

that the Government pursuant to the Government Resolution dated 27.06.2013 has regularized services of those persons appointed between 23.10.1992 to 03.04.2000 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.

3. We have heard the learned counsel for the petitioner and the learned A.G.P

4. The issue involved in the present matter 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 03.10.2018. The said judgment has been followed in various matters.

5. Considering the aforesaid aspects of the matter, it is also not disputed by the respondents that the appointment of the petitioner has been made by due procedure of law and adhering to the selection process.

6. In light of the above, the impugned communication is quashed and set aside. The respondents shall consider the case of the petitioner

for sanction of pension as per rules after verifying the details of the appointment of the petitioner, the date of retirement and if he has put in pensionable service, shall accord sanction for pension to the petitioner.

7. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.