

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12005 OF 2021

MANNABEE GOUS SHAIKH
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Sachin Mundhe h/f. Mr. V. D. Gunale
AGP for Respondents No.1 to 3 - State : Mr. S. K. Tambe

...

CORAM : S. V. GANGAPURWALA
AND

R. N. LADDHA, JJ.

DATE : 27th OCTOBER, 2021

PER COURT :-

Heard learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that petitioner was brought on 100% grant in aid basis on 1st July, 2007.

3. The Full Bench of this Court in Writ Petition No. 8387 of 2013 (*Deshmukh Dilipkumar Bhagwan And Others Versus The State of Maharashtra*) with connected matters decided on 30-04-2019 has held that the person/employee who is appointed prior to 01-11-2005 in the aided recognized school on 100% grant-in-aid, he is eligible to receive the benefit of old pension scheme.

4. As the petitioner's husband is brought on 100% grant-in-aid basis after 01-11-2005, naturally he would not be governed by the old pension scheme, however, benefit can be granted as per DCP Scheme. The petitioner may make representation to the authorities for the benefit under DCP Scheme and the said application shall be considered by the authority concerned on its own merits and in accordance with law.

5. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S.V. GANGAPURWALA)
JUDGE