

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1012 WRIT PETITION NO.8144 OF 2019
WITH CA/13640/2019 IN WP/8144/2019

PRATIBHA VISHWASRAO CHAVAN

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. V. G. Salgare, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondents-State.

Mr. M. S. Deshmukh, Advocate for Respondent No.3.

...

CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.

DATED : 12th AUGUST, 2021.

PER COURT:-

1. We have heard Mr. Salgare, learned counsel for the petitioner, Mr. Deshmukh, learned counsel for respondent no.3 and learned A.G.P. for respondent nos.1 and 2.

2. Upon hearing the learned counsel for parties, it appears that, petitioner was appointed as Assistant Teacher on 10.06.1986. The petitioner cleared B.Ed qualification in the year 1989. The petitioner was promoted as Headmistress on 22.06.1992 and on 31.07.2018 the petitioner stood retired from service on attaining the age of superannuation.

3. The anxiety of the petitioner is that, the petitioner is not getting the pension, even after three years of retirement.

4. Mr. Deshmukh, learned counsel submits that, in fact, the petitioner on the relevant date was not eligible to be promoted as Headmistress, because she had not completed five years service on the trained teachers pay scale. The said aspect was required to be considered.

5. It is not disputed that, the appointment of the petitioner as Assistant Teacher was approved by the Education Officer. The promotion of the petitioner as Headmistress is also approved by the Education Officer. It will not be appropriate now to enter into the arena of dispute, as to whether in the year 1992, the petitioner could have been promoted as Headmistress or that she could have been promoted in the year 1995. Now the same would lose its efficacy, in view of the fact that the Education Officer at the relevant time had occasion to consider the same and he had approved the promotion of the petitioner as Headmistress in the year 1992. The pay fixation of the petitioner was also effectuated.

6. The learned counsel for the petitioner accepts that on the date of retirement the petitioner was getting proper salary as per the pay fixation.

7. It is also not disputed that, the Management has already sent pension proposal to the

Education Officer. There appears to be some dispute about the pay scale of the post of which the pension proposal is forwarded.

8. The Institution shall forward the proposal on the basis of the last salary drawn by the petitioner. The same shall be done preferably within a period of two months.

9. Upon receipt of the proposal, the same shall be processed by the Authorities preferably within a period of three months from the date of receipt of the same.

10. Writ Petition is disposed of. No costs.

11. In view of disposal of Writ Petition, present Civil Application also stands disposed of.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE