

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

WRIT PETITION NO. 4374 OF 2018

Bhaskarrao Ramrao Kadam

... Petitioner.

V/s.

Chatrapati Shivaji College, Satara & Ors.

... Respondents.

Mr. C.G.Gavnekar, Advocate a/w. Mr. Ashutosh Gavnekar for the
Petitioner.

Mr. N. K. Rajpurohit, AGP for the State – Respondent Nos. 3 to 7.

Mr. Milind Deshmukh, Advocate for Respondent Nos. 1 & 2.

CORAM : R.D. DHANUKA & R.N. LADDHA, JJ.

DATE : DECEMBER 06, 2021.

P.C. :

1 Mentioned at 3 pm.

2 Rule.

3 Mr. Milind Deshmukh, learned Advocate waives service
of Rule on behalf of Respondent Nos. 1 & 2 and Mr. Rajpurohit,
learned Advocate waives service of Rule on behalf of Respondent Nos.
3 to 7.

4 Heard the Petition finally.

5 By this Petition filed under Article 226 of the Constitution
of India, the Petitioner has impugned the Order dated 17th June, 2017
passed by the Respondent No.5, rejecting the proposal for payment of

his pension submitted by the Management/Respondent No. 1 on the ground that the Petitioner has not passed NET/ SET examination.

6 Mr. Gavnekar, learned Advocate for the Petitioner invited our attention to the Government Resolution dated 29th October, 2021 and submitted that in view of the said G.R., the Petitioner was not required to clear the NET/SET tests, as the Petitioner was initially appointed to the post of Laboratory Assistant on 16th July, 1981 and thereafter, as Part Time Teacher and Full Time Teacher. According to Mr.Gavnekar, in view of the said G.R., thereafter also the Petitioner was not required to pass NET /SET tests as he was appointed to the said post of Full Time Lecturer.

7 Mr. Rajpurohit, learned AGP for the State could not point out as to why the said Government Resolution is not applicable to the facts of the present case.

8 We accordingly, pass the following order.

ORDER

(i) Writ Petition is made absolute in terms of prayer clauses (a) and (b) of the Petition.

(ii) Respondent No. 1 is directed to submit fresh proposal of the Petitioner's payment of pension to Respondent Nos. 4 & 7 within two weeks from today with copy of the same to be served on the Petitioner's Advocate.

(iii) Upon receipt of fresh proposal by Respondent Nos. 4 & 7, the Respondent Nos. 4 & 7 shall consider the said proposal in the light of Government decision dated 29th October, 2021 and pass order within 4 weeks from the date of receipt of fresh proposal from the Respondent No.1. The Order so passed shall be communicated to the Petitioner as well to the Management within one week from the date of the passing of such order.

(iv) If the order passed by the Respondent Nos. 4 & 7 is in favour of the Petitioner, the Petitioner shall be paid all arrears of pension with other retiral benefits within four weeks thereafter.

(v) If the order is against the Petitioner, the Petitioner would be at liberty to file appropriate proceedings.

9 Rule is made absolute in the above terms with no order as to costs.

Parties to act on an authenticated copy of this order duly issued by the Registry of this Court.

(R.N. LADDHA, J.)

(R.D. DHANUKA, J.)

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