

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

WRIT PETITION NO.11568 OF 2014

Shikshak-Bharati	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr. Sachin S. Punde, Advocate for Petitioner.
Ms. Kavita N. Solunke, AGP for Respondent No.1 to 5 & 8.

**CORAM : R. D. DHANUKA, AND
 ABHAY AHUJA, JJ.
DATE : 16th SEPTEMBER, 2021.**

P.C. :

1. By this Writ Petition filed under Article 226 of the Constitution of India, Petitioner has prayed for writ of mandamus for seeking a direction against the Respondents to consider the Petitioner under the Old Pension Scheme i.e. Maharashtra Civil Service (Pension) Rules, 1982 and Maharashtra Civil Services (Commutation of Pension) Rules, 1984 and General Provident Fund Scheme.

2. Learned counsel for the Petitioner invited our attention to Schedule-I in the Writ Petition showing dates of payment and date of Grant by the Respondents in the school. He also invited our attention to the Judgment of the full Bench of this Court in case of Deshmukh Dilipkumar Bhagwan and others V/s. State of Maharashtra and others in Writ Petition

No.8387 of 2013 and other companion matters and more particular answer to Question Nos.2 and 3 at page No.140 of the Writ Petition. He submits that in view of the said full Bench Judgment, the Petitioners would be entitled to draw by the Defined Contribution Pension Scheme (for short 'DCPS') and not under the Old Pension Scheme.

3. We have perused the said chart annexed by the Petitioners, which clearly indicates that though the Petitioners were appointed prior to 1st November 2005, but fact remains that the grant-in-aid was granted after 1st November 2005. The Judgment of the full Bench of this Court in case of *Deshmukh Dilip Kumar Bhagwan and others V/s. State of Maharashtra (supra)* applies to the facts of this Court. It is declared that the Petitioners would be governed by the DCPS and not by the Old Pension Scheme i.e. Maharashtra Civil Service (Pension) Rules, 1982.

4. Writ Petition is disposed off in the aforesaid terms. No Order as to costs.

(ABHAY AHUJA, J.)

(R. D. DHANUKA, J.)

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