

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
WRIT PETITION NO. 2238 OF 2021

Dr. Lata Subhash Agale,
Aged about 61 years, Occ. Retired,
R/o.Ramayan Nagri, Sahakar Nagar,
Rani Laxmibai Ward, Bhandara – 441904

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.. Petitioner

Versus

1. The State of Maharashtra Through its
Secretary, Higher and Technical
Education Department, Mantralaya,
Mumbai – 440032

2. Joint Director Higher Education
Nagpur Division, Nagpur

3. J. M. Patel Arts, Commerce & Science
College, Bhandara, Through its Principal,
Bhandara, Dist. Bhandara – 441904.

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.. Respondents

Mr. A. I. Sheikh, Advocate for petitioner.

Mr. N. R. Patil, A.G.P for respondent Nos.1 & 2.

Mr. B. G. Kulkarni, Advocate for respondent No.3.

**CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.**

DATED : 31/08/2021

ORAL JUDGMENT (Per Sunil B. Shukre, J.)

Heard Mr.A.I.Sheikh, learned counsel for the
petitioner and Mr.N.R.Patil, learned AGP for respondent Nos.1 and 2
and Mr.B.G.Kulkarni, learned Advocate for respondent No.3.

(2) **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

(3) It is not in dispute that the issue involved in this petition having same facts, as the facts of the case of **Shri Maruti Dattatraya Patil vs. The State of Maharashtra and ors. in Writ Petition No.13166 of 2017 decided on 03rd October, 2018**, is squarely covered by the view taken in this very case.

(4) Therefore, the Writ Petition is allowed.

(5) The impugned communication is quashed and set aside. It is declared that the petitioner is entitled for pensionary benefits and accordingly, the respondents are directed to pay the pensionary benefits to the petitioner in accordance with law with arrears from the date of superannuation till the actual payment within a period of three months from the date of the order.

(6) Rule accordingly. No costs.

[ANIL S. KILOR]

[SUNIL B. SHUKRE]