

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 785 OF 2021**  
**WITH**  
**WRIT PETITION NO. 786 OF 2021**

**W.P.NO.785/2021.**

Subhash Dalpatrao Chawhan  
Age 59 years, Occ. : Service,  
R/o.New Sangani Nagar, Near  
Dnyaneshwar Temple, Amravati  
Tq. & Dist. Amravati.

.... **PETITIONER.**

**// VERSUS //**

1. State of Maharashtra,  
through its Secretary, Higher and  
Technical Education Department,  
Mantralaya, Extension Building  
Mumbai.
2. Assistant Director of Higher  
Education, Amravati Division,  
Amravati, Office at V.M.V. Premises,  
Amravati, Tq. And Dist. Amravati.
3. Degree College of Physical Education,  
Through its Principal, Hanuman Vyayam  
Nagar, Amravati, Tq. and Dist. Amravati

.... **RESPONDENTS.**

**WITH**

**WP.NO.786/2021.**

Deepak Vasantrya Phadnis,  
Age 59 years, Occ. : Service,  
R/o.24, "Abhang", Ganesh Vihar  
No.2, Near Jagdale Layout Board,  
Amravati, Tq. & Dist. Amravati.

.... **PETITIONER.**

**// VERSUS //**

1. State of Maharashtra,  
through its Secretary, Higher and  
Technical Education Department,  
Mantralaya, Extension Building  
Mumbai.
2. Assistant Director of Higher  
Education, Amravati Division,  
Amravati, Office at V.M.V. Premises,  
Amravati, Tq. And Dist. Amravati.
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Through its Principal, Hanuman Vyayam  
Nagar, Amravati, Tq. and Dist. Amravati

.... **RESPONDENTS.**

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Shri Pravin S. Patil, Advocate for both Petitioners.  
Ms N.P.Mehta, A.G.P. for Respondent Nos.1 and 2.  
Shri A.M.Sudame, Advocate for Respondent No.3.

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

**DATED :**     **AUGUST 23, 2021**

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

1. Heard.
2. **RULE.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.
3. The pension cases of the petitioners who retired as Assistant Professors are not being prepared and cleared by the respondents on the ground that they did not clear NET/SET Examination. However, it is the case of the petitioners, and there is no dispute about it, that they were duly appointed by following procedure on a date which fell within the period from 23/10/1992 to 03/04/2000 against clear vacancies and therefore, the condition of NET/SET clearance is not applicable to them. Such stand of the similarly situated Lecturers/Professors has been upheld by Division Bench of this Court on 03/10/2018, rendered in the case of *Maruti Dattatraya Patil..vs..State of Maharashtra*, in **W.P. No.13166 of 2017**, which has been confirmed by the Supreme Court. Therefore, we are of the view that the petitioners are eligible to receive their pension and pensionary benefits as per Rules.
4. In view of above, we pass the following order:

- i) Both the petitions are **allowed** in terms of prayer clauses (1), (2) and (3).
- ii) The impugned orders are hereby quashed and set aside.

Rule is made absolute accordingly. No costs.

( ANIL S. KILOR, J )

( SUNIL B. SHUKRE, J.)

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