

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

935 WRIT PETITION NO.11318 OF 2021

**SMT. ASHA ANNASAHEB KHALKAR
VERSUS
THE STATE OF MAHARASHTRA, THR. IT'S SECRETARY
AND OTHERS**

...

Mr G. K. Kshirsagar, Advocate for petitioner;

Mr S. R. Yadav, A.G.P. for respondent Nos.1, 3 & 4

Mr A. D. Sonkawade, Advocate h/f Mr A. V. Hon, Advocate for
respondent Nos.6 & 7

**CORAM : RAVINDRA V. GHUGE
AND
S. G. DIGE, JJ.**

DATE : 5th April, 2022

PER COURT:

1. We express our displeasure for the manner in which several illegible documents have been placed before us. Some are mere scribbles. Neither the learned Advocate for the petitioner would be able to read them, nor is it a good practice to place such documents on record.

2. We have briefly heard the learned Advocate for the respective sides. Issue is as regard the claim for family pension by the petitioner, who is a widow, having lost her husband on 13/01/2011. The proposal was forwarded for grant of family

(2)

pension, which is said to be rejected on 03/08/2016 on the ground that the deceased husband was upgraded as a Full Time Librarian after the cut-off date 01/11/2005.

3. The learned AGP submits that the proposal of the petitioner is not yet rejected in the light of the document addressed by the Education Officer (Secondary) to the Deputy Director of Education, Pune, dated 15/03/2017, seeking guidance as regards, whether the old pension scheme could be applicable or not, as the deceased became a Full Time Librarian w.e.f. 01/04/2006. The learned AGP further submits that, one more issue is put forth by the Education Officer for guidance viz. whether the part time service of the deceased from 01/01/1995 to 31/03/2006, could be reckoned with while computing the total service for pensionary benefits.

4. The petitioner has placed before us the Judgment delivered by the learned Division Bench at Nagpur, dated 09/07/2018, in Writ Petition No.5421/2017, filed by Smt. Darshana wd/o Adikrao Gaikwad Vs. State of Maharashtra & ors. and the Judgment dated 01/10/2021, delivered at the Principal Seat, in Writ Petition No.4748/2019, filed by Nilesh Namdev Gurav and

(3)

others Vs. the State of Maharashtra and ors. along with connected matters.

5. In view of the above, this petition is disposed off with the following directions :-

(a) The Deputy Director of Education, Pune, respondent No.3 herein, shall go through the Judgment dated 09/07/2018 delivered in Smt. Darshana Adikrao Gaikwad (supra) and the Judgment dated 01/10/2021 delivered in Nilesh Namdev Gurav (supra), and extend his guidance to the Education Officer (Secondary), as expeditiously as possible and in any case, on or before 22/04/2022.

(b) The Education Officer, thereafter, shall take a decision, on or before 20/05/2022 and convey the decision to the petitioner forthwith.

6. In the event the grievance of the petitioner is not redressed by the above authorities, considering the above Judgments, she would be at liberty to avail of a remedy as is permissible in law.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)