

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8436 OF 2022

BALASAHEB RAMCHANDRA KASATKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

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Advocate for the Petitioner : Shri Jadhavar Santosh S.
AGP for Respondents 1 and 2 : Shri S.G. Sangle

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CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 17th October, 2022

Per Court :-

1. The petitioner has put forth prayer clauses B and C
as under:-

- “B) *By issuing writ of mandamus or any other appropriate writ order or direction, respondent No.2 may kindly be directed to process the pension proposal of the petitioner, submitted by respondent No.3 along with covering letter dated 25.01.2022, within stipulated period and sanction and release all pensionary benefits to the petitioner within stipulated period.*
- C) *Pending hearing and final disposal of the present Writ Petition, the respondents may kindly be directed to take steps for sanction and release of provisional pension to the petitioner.”*

2. The learned AGP points out the judgment dated
19.08.2022 delivered by the coordinate Bench of this Court in

Writ Petition No.7933/2021 filed by Vijaysingh Ramsingh Patil vs. The State of Maharashtra and others, along with group of matters, concluding on the basis of several judgments delivered by this Court, that the part time Librarian, who continues to work on the post of a part time Librarian till his retirement, is not entitled to the benefits of the pension scheme or provident fund scheme.

3. Considering the consistent view taken by this Court and in view of the admission of the petitioner that he joined as a part time Librarian and has retired as a part time Librarian, we have no reason to entertain this petition.

4. The learned advocate for the petitioner submits that the Education Officer may take a view. When this Court has consistently taken a view in such matters, we neither expect the Education Officer to take a different view, nor would we permit such different view to be taken by the Education Officer which might overbear the ratio laid down by this Court.

5. In view of the above, this Writ Petition is dismissed.