

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

104 WRIT PETITION NO.11494 OF 2022

MANISHA LIMBAJI KARLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.A.V.Indrale Patil, Advocate for the petitioner.
Ms.R.P.Gaur, AGP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : DECEMBER 01, 2022

PER COURT :

1. The petitioner has put forth prayer clause B, C, D and E as under :-

"B. By issuing appropriate writ, order or directions, it be held and declared that, considering the fact that, the recruitment process regarding appointment of petitioner on the post of teacher being initiated and concluded before the cut off date i.e. 31st October, 2005, the petitioner is governed by old pension scheme and not by new DCPS scheme and for that purpose necessary directions be issued.

C. It be held and declared that petitioner is entitled for old pension scheme in terms of provisions of Maharashtra Civil Services (Pension) Rules, 1982 and other pensionary benefits. Consequently the

respondents be restrained from applying New Pension Scheme i.e. DCPS Scheme to the petitioner forcibly and for that purpose necessary direction be issued.

D. Pending hearing and final disposal of the writ petition the effect, operation, implementation and execution of the impugned Government Resolution dated 31st October, 2005 to the extent of petitioner be stayed.

E. Pending hearing and final disposal of the writ petition the respondent be restrained from deducting the amount from the salary of petitioner towards arrears as well as regular deduction as per DCPS Scheme and for that purpose necessary direction be issued."

2. We have considered the vehement submissions of the learned Advocate for the petitioner and the learned AGP representing respondent Nos.1, 2, 3 and 4.

3. The contention of the petitioner is that the recruitment of the petitioner as a "Shikshan Sevak" was pursuant to the advertisement dated 09.09.2005. She was interviewed and appointed on 14.12.2005. She, therefore, prays that because the advertisement was published prior to the GR dated 31.10.2005, notwithstanding the fact that she was appointed on 14.12.2005, she would be entitled for the old pension scheme and not the Defined Contributory Pension Scheme.

4. The learned AGP places reliance upon a judgment delivered by this Court in the matter of **Dnyaneshwar Balasaheb Sonawane and others Vs. The State of Maharashtra and others**, WP No.12023/2021, dated 10.06.2022.

5. Considering the above, we do not find that the case of the petitioner could be exempted from the GR dated 31.10.2005.

6. This petition, being devoid of merit, is therefore, dismissed.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)