

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

**12 WRIT PETITION NO.416 OF 2021
WITH WP/439/2021**

**SUREKHA LAXMAN CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. Deshpande Priyanka R.
AGP for Respondents-State : Mr. S. R. Yadav-Lonikar.
Advocate for Respondents : Mr. V. B. Jadhav h/f Mr. A. V. Hon.

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

DATE : 28.02.2022

PER COURT :-

1. Insofar as the second petition filed by Madan Asaram Kashid is concerned, there is no dispute that he was appointed, though not equipped with the NET-SET qualification, in 1995 and is covered by the Government Resolution dated 29.10.2021 issued by the Higher and Technical Education Department, State of Maharashtra concluding that those teaching employees who were appointed despite not having acquired NET-SET qualification in between 23.10.1992 to 03.04.2000, would be entitled for pensionary benefits from the

date of their initial joining as "Assistant Teacher". We have also perused the order passed by the learned Division Bench at Nagpur dated 07.12.2021 in Writ Petition No.4995/2021 filed by Dr. Kishor Laxman Bonde Vs. The State of Maharashtra and others. As such, Writ Petition bearing No.439 of 2021 filed by Madan Asaram Kashid is covered by the Government Resolution dated 29.10.2021.

2. This petition is, therefore, allowed in terms of the Government Resolution and the concerned respondents are directed to release the pensionary benefits of the petitioner in terms thereof within a period of four (4) weeks from today. Arrears of pensionary benefits shall be released within a period of six (6) months from today.

3. Needless to state, this petition is allowed as we do not find any legal impediment with regard to the petitioner having been appointed without NET-SET qualifications in between 23.10.1992 to 03.04.2000 and having been continued thereafter. However, if there is any other legal impediment which has not been voiced before us today, the authorities are at liberty to follow the due process of law.

4. Insofar as the first petition bearing No.416 of 2021 filed by Surekha Laxman Chavan is concerned, we list the matter on 04.03.2022 in the “Passing Orders Category” at the request of the learned AGP.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-