

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 WRIT PETITION NO. 13813 OF 2021

Halmandge Bheemashanakar Vaijinath

Age : 59, Occu – Service,

R/o Murkhi, Tq. Aurad,

Dist. - Beed, at present resident of

Vasant Nagar (Kotgyal),

Dist. Nanded

.. Petitioner

Versus

1] The State of Maharashtra
Through the Secretary of Higher Education
Department, Mantralaya, Mumbai – 32

2] The Director Higher Education
Maharashtra State Pune

3] The Joint Director Higher Education
Pune Regional Office, Pune

4] Accounts Officer (Grants)
Office of the Joint Director Higher Education,
Nanded Region, Nanded
Dist. Nanded

5] Swami Ramanand Teerth Marathwada University,
Through its Registrar,
Nanded, Dist. Nanded

6] Gramin (Arts, Commerce & Science)
Mahavidyalay, Vasantnagar (Kotgyal)
Tq. Mukhed, Dist. - Nanded
Through its Principal

.. Respondents

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Advocate for Petitioner : Dr. R.R. Deshpande h/f.Ms. Deshpande Priyanka R.
AGP for the respondent – State : Mrs. R.P. Gour

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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 5 AUGUST 2022

ORAL ORDER (SANDEEP V. MARNE, J.) :

The petitioner joined the services as Lecturer in respondent no. 6 college on 24-09-1994. The petitioner was about to superannuate on 31-12-2021 and, therefore, the respondent no. 6 – college forwarded the pension proposal in respect of the petitioner to respondents nos. 1 to 4 and by communication dated 27-08-2021, the said proposal was returned by citing a reason that the petitioner does not possess the requisite eligibility criterion as provided for in the Government Resolution dated 27-06-2013.

2. Dr. Deshpande appearing for the petitioner has placed before us the Government Resolution dated 29-10-2021 by which paragraph no. 18 of the Government Resolution dated 27-06-2013 has been deleted. It has further been directed by the said Government Resolution that the Lecturers who do not possess the qualification of NET/SET who are appointed during the period from 23-10-1992 to 03-04-2000 and who continued to serve till the dates of their retirement, would be eligible for pension by considering the date of their initial appointment.

3. Undeniably, the petitioner has been appointed on 24-09-1994 i.e. within the period prescribed in paragraph no. 2 of the Government Resolution dated 29-10-2021.

4. Learned AGP does not dispute this position.
5. Therefore, the petition is made absolute in terms of prayer clauses (B) and (C).
6. Insofar as the prayer clause (D) is concerned, the issue is left open, to be agitated separately by the petitioner.
7. The pension proposal in respect of the petitioner be decided within a period of three months.
8. The petition is disposed of.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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