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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10435 OF 2022

Babasaheb Haridas Deshmukh ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

Mr. Arvind Ambetkar for the Petitioner.
Mr. V. M. Mali, AGP for the State.

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 7th SEPTEMBER, 2022

P.C. :-

. The petitioner claims to have been appointed as a part time assistant teacher on 28th August, 1995. The said appointment is approved. The petitioner is thereafter upgraded to the full time assistant teacher on 12th June, 2006. The petitioner retired on attaining the age of superannuation on 30st November, 2021. The petitioner claims the benefits of old pension scheme.

2. Reference is made to the order of this Court dated 11th April, 2022 in Writ Petition No. 8990 of 2021 with connected writ petitions.

3. We have also heard the learned AGP.

4. In the light of the aforesaid order, we follow the same course and pass the following order :-

(a) Deputy Director of Education-respondent no.3 is directed to decide case of the petitioner regarding applicability of the old pension scheme as per Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil

Services (Computation of Pensions) Rules-1984 and General Provident Fund Scheme by keeping in view law laid down by this Court in its various judgments including the judgments referred to in the body of the judgment.

(b) If it is so found by respondent no.3-Deputy Director of Education that the petitioner is governed by old pension scheme, the respondent no.3 shall issue necessary directions to not deduct any amount from the salary payable to the petitioner governed by the old pension scheme for the purpose of its applying to the DCPS or NPS, and shall also issue necessary directions for refunding of these amounts to the petitioner from the salary, same are deducted, within four weeks of the date on which such determination is made.

(c) In case it is found that the petitioner is governed by the old pension scheme necessary directions shall be issued by respondent no.3-Deputy Director of Education to open GPF account in the name of petitioner found eligible for same, within four weeks of the date on which his eligibility is determined.

(d) The petitioner to appear before the respondent No.3-Deputy Director of Education on 29th September, 2022.

(e) Rule is made absolute in above terms. No costs.

(f) Petition stands disposed of accordingly.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]