

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4886 OF 2022

Asmita Sushikumar Jagdale
(Before Marriage Ms. Asmita
Rameshchandra Savant) ... **Petitioner**
Versus
The State of Maharashtra & Ors. ... **Respondents**

Mr. Satyajeet A. Rajeshirke, Advocate for the Petitioner.

Mr. N. C. Walimbe, AGP for the Respondents/State.

**CORAM: S.V. GANGAPURWALA &
A. S. DOCTOR, JJ.**

DATED : AUGUST 1, 2022

P.C.

1. The petitioner claims benefits of the old pension scheme. The petitioner claims to have been appointed as Shikshan Sevak on 100 grant-in-aid post on 1st December 2004. Subsequently, the petitioner is upgraded as an Assistant Teacher from 2nd February 2009. The learned Counsel for the petitioner submits that as the appointment of the petitioner is prior to 1st November 2005, she would be governed by the old pension scheme. There cannot be any dispute to the proposition that if the person is appointed prior to 1st November 2005 on 100% grant-in-aid post, then he may be governed by the old pension scheme. The petitioner contends that she has filed representation on 17th February 2022 with the Education Officer.

2. In that event, the Education Officer shall consider the representation of the petitioner dated 17th February 2022 and take decision upon it in accordance with law. The Education Officer shall consider whether the petitioner would be governed by the old pension scheme. The Education Officer shall also consider as to whether the service from the initial date of appointment i.e. 1st December 2004 is continuous and on 100% grant-in-aid basis. The said representation be decided expeditiously preferably within six months from today.

3. The writ petition is disposed of. No costs.

(A. S. DOCTOR, J.)

(S.V. GANGAPURWALA, J.)