

**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 1<sup>st</sup> December 2004. Subsequently, the petitioner is upgraded as an Assistant Teacher from 2<sup>nd</sup> February 2009. The learned Counsel for the petitioner submits that as the appointment of the petitioner is prior to 1<sup>st</sup> 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 1<sup>st</sup> 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 17<sup>th</sup> February 2022 with the Education Officer.

2. In that event, the Education Officer shall consider the representation of the petitioner dated 17<sup>th</sup> 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. 1<sup>st</sup> 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.)

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