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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7060 OF 2019

Smt. Sadhana D Rai ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Avinash R. Belge for the Petitioner.
Mrs. S.S. Bhende AGP for the Respondent-State.

**CORAM : S. V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : 29TH JULY 2022

P.C. :

1. The learned Advocate for the Petitioner submits that the Petitioner was appointed as part time teacher on 100% grant-in-aid post on 14/06/1999. Thereafter the post became full time on 100% grant-in-aid on 1/11/2001 and the Petitioner was appointed as full timer on 1/11/2001.
2. The learned Advocate for the Petitioner submits that the Petitioner is entitled for benefit of old pension scheme. The learned Advocate relies on the judgment and order of this Court dated 11th April 2022 passed in Writ Petition No.8990 of 2021 with connected Writ Petitions.
3. For the reasons recorded in the said judgment dated 11th April 2022

in Writ Petition No.8990 of 2021 with connected Writ Petitions, we follow the same course and pass the same order.

4. The Petition is, therefore, partly allowed and following directions are issued.

5. Respondent No.5 – The Director of Education or Respondent No.6 - Deputy Director of Education, as the case may be, are directed to decide the 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.

6. If it is so found by Respondent No.5 – The Director of Education or Respondent No.6 -Deputy Director of Education, as the case may be, that the Petitioner is governed by old pension scheme, Respondent No.5 – The Director of Education or Respondent No.6 -Deputy Director of Education, as the case may be, 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 those amounts to the Petitioner from whose salary, same is deducted, within four weeks of the date on which such determination is made.

7. In case it is found that the Petitioner is governed by the old pension scheme necessary directions shall be issued by Respondent No.5 – The Director of Education or Respondent No.6 -Deputy Director of Education, as the case may be, to open GPF accounts in the name of the Petitioner found eligible for same, within four weeks of the date on which the eligibility is determined.

8. The Petitioner to appear before Respondent No.5 – The Director of Education or Respondent No.6 -Deputy Director of Respondent, as the case may be.

9. The Writ Petition is disposed of. No order as to costs.

(S. M. MODAK, J.)

(S. V. GANGAPURWALA, J.)