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

WRIT PETITION NO.13279 OF 2016

Shilpa Shriniwas Marathe

..... Petitioner

Vs.

Dy. Director of Education,
Secondary Education & Ors.

..... Respondents

Mr. Pradyumna Mokashi for the Petitioner
Mr. V. M. Mali, AGP for the State
Mr. Mandar Limaye for Respondent No.3.

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

DATED : JULY 6, 2022

P.C.

1 The claim of the Petitioner for pension is negated on the ground that the Petitioner has worked for 9 years 29 days only i.e. less than 10 years.

2 The Petitioner's services as a Shikshan Sevak is approved for a period of 2nd September 2002 till 1st September 2005 and thereafter as an Assistant Teacher. For the benefit of pension, the Petitioner is required to render 10 years qualifying service.

3 It is the contention of the Petitioner and the Institution, that in fact, the Petitioner was appointed on 11th June 2001 and from 11th

June 2001 to 1st September 2002 the Petitioner worked on unaided post and thereafter from 2nd September 2002 he was brought on aided post. The proposal for approval to the appointment of the Petitioner on unaided post was not forwarded by the Management and the same was forwarded after his retirement and that too in the year 2014.

4 It is trite, that even if a person has worked on an unaided post and at the time of retirement, if that post comes on grant-in-aid post, then the services rendered on unaided post would be computed for the pension. The Petitioner relies on Government Resolution dated 14th February 1972.

5 In light of that, we pass the following order:

a. The Education Officer shall consider the proposal of the Petitioner of having worked on unaided post from 11th June 2001 to 1st September 2002.

b. The Education Officer shall convince himself about the Petitioner having worked for the said period on unaided post. If the Petitioner had worked on the unaided post from 11th June 2001 to 1st September 2002 and the said post was sanctioned post and was grant-in-aid post at the time of

retirement, then the services rendered on the unaided post from 11th June 2001 to 1st September 2002 would be computed for the purpose of qualifying service.

c. The said exercise shall be done by the Authority, preferably within six months.

d. The Writ Petition is disposed of. No costs.

(S. M. MODAK,J.)

(S.V. GANGAPURWALA, J.)