

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION (WP) NO. 4338/2022**

*Rajesh s/o Anant Tumsare ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4347/2022**

*Sanjay s/o Govindrao Fusey ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4342/2022**

*Smt. Vaishali Sadanand Tayde ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4346/2022**

*Nityanand s/o Krishnaji Khandait ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4356/2022**

*Rajesh s/o Bhiwaraj Lanjewar ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4343/2022**

*Prashant s/o Vasantrao Bhure ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4344/2022**

*Punywardhan s/o Abhiman Gondane ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4359/2022**

*Ghanshyam s/o Jagannath Warudkar ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4345/2022**

*Shailesh s/o Yeshwantrao Thote ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4354/2022**

*Prabal s/o Ravindranath Sarkar ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4353/2022**

*Smt. Shubhangi Kiran Malewar..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4340/2022**

*Srinivasulu s/o Satyanarayan Gangisetty ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4358/2022**

*Smt. Prerna Prakash Satpute ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4341/2022**

*Maroti s/o Bondanna Appanwar ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4351/2022**

*Hemant s/o Nivruttinath Mandekar ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4352/2022**

*Naresh s/o Ram Tammewar ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4348/2022**

*Dr. Rajesh Dattatraya Gadewar ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4349/2022**

*Rajesh s/o Pundalik Mohurle ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4355/2022**

*Sanjay s/o Vasantao Chavan ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4350/2022**

*Vinodkumar s/o Parasram Tembhurne ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4339/2022**

*Sanjay s/o Bhimrao Kale ..VS.. The State of Maharashtra and ors.*  
*WITH*

**WRIT PETITION (WP) NO. 4357/2022**

*Sanjay s/o Krushnaji Donode ..VS.. The State of Maharashtra and ors.*

Office Notes, Office Memoranda of  
 Coram, appearances, Court's Orders  
 or directions and Registrar's order

Court's or Judge's Order

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Shri A.G. Ambetkar, Advocate for the petitioners in all Wps.  
 Mrs. K.S. Joshi, Incharge Government Pleader for respondent nos. 1 to 5 in WP  
 Nos. 4338/2022, 4356/2022, 4343/2022, 4345/2022 and 4354/2022  
 Shri D.P. Thakare, Additional Government Pleader for respondent nos. 1 to 5 in WP  
 Nos. 4347/2022, 4353/2022, 4340/2022, 4358/2022 and 4341/2022  
 Miss. Nivedita P. Mehta, Assistant Government Pleader for respondent nos. 1 to 5  
 in WP Nos. 4351/2022, 4342/2022, 4344/2022 and 4352/2022  
 Ms. Kalyani R. Deshpande, Assistant Government Pleader for respondent nos. 1 to  
 5 in WP Nos. 4348/2022, 4349/2022, 4359/2022 and 4355/2022  
 Shri Neeraj R. Patil, Assistant Government Pleader for respondent nos. 1 to 5 in  
 WP Nos. 4346/2022, 4350/2022, 4339/2022 and 4357/2022

**CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, J.J.**

**DATED : 29/07/2022**

Each petitioner claims to have been appointed on an unaided post as full time Jr. College 'Teacher' prior to 01/11/2005. Subsequently each petitioner is appointed as full time 'Teacher' on an aided post. The petitioners claim a declaration as regards applicability of the old pension scheme to receive such benefits.

2. Learned Counsel for the petitioners relies upon the judgment delivered by this Court at Principal Seat dated 01/10/2021 in the Writ Petition No. 4748 of 2019 (*Nilesh s/o Namdev Gurav and ors. Vs. The State of Maharashtra and ors.*) with connected matters and the judgment and order dated 11/04/2022 in Writ Petition No. 8990 of 2021 (*Smt. Manasi Sudhir Mane Vs. The State of Maharashtra and ors.*) with connected writ petitions.

3. In light of the above and for the reasons recorded in the aforesaid judgments, we are inclined to pass a similar order as follows:-

(i) The case of each petitioner is relegated to the Respondent No. 3 – Deputy Director of Education for taking appropriate decision depending upon the outcome of verification and the facts governing the case of each petitioner.

(ii) Respondent No.3 – Deputy Director of Education is directed to decide the case of each 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 referred to above.

(iii) If it is so found by the Deputy Director of Education that the petitioner(s) is/are governed by old pension scheme, he shall issue necessary directions to not deduct any amount from the salary payable to such 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(s) from the salary if the same is deducted, within four weeks of the date on which such determination is made.

(iv) In case it is found that the petitioner(s) is/are governed by the old pension scheme necessary directions shall be issued by the Deputy Director of Education to open GPF account in the name of the respective petitioners within four weeks of the date on which his/her eligibility is determined.

(v) The petitioners to appear before the Respondent No.3 - Deputy Director of Education on 22/08/2022.

4. The writ petitions stand disposed of accordingly. No costs.

**JUDGE**

**JUDGE**

SANDIP  
MAHADEV  
GATE

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signed by  
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GATE  
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