

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2559/2022

(URDU EDUCATION SOCIETY, AKOLA & OTHERS **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

WITH

WRIT PETITION NO. 2579/2022

(URDU EDUCATION SOCIETY, AKOLA & OTHERS **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri K.D. Kadasane, counsel for the petitioners.

Ms N.P. Mehta, Assistant Government Pleader for the R-1 to 3.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : DECEMBER 07, 2022.

Leave granted to add the 'Deputy Director of Education' as the respondent no.5.

The learned Assistant Government Pleader waives service of notice for the newly added respondent.

Each petitioner claims to have been appointed on an aided post as full time High School Teacher prior to 01.11.2005 in the school run by the petitioner no.1-Society. Subsequently each petitioner is appointed as full time High School Teacher on an aided post. The petitioners claim a declaration as regards applicability of the old pension scheme to receive such benefits.

Learned Counsel for the petitioners relies upon the judgment delivered by this Court at Principal Seat dated 01.10.2021 in **Writ Petition No. 4748 of 2019 with connected writ petitions** (*Nilesh s/o Namdev Gurav & Others Versus The State of Maharashtra & Others*) and the judgment and order dated 11.04.2022 in **Writ Petition No. 8990 of 2021 with connected writ petitions** (*Smt. Manasi Sudhir Mane Versus The State of Maharashtra & Others*).

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.5–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.5–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.5-Deputy Director of Education on 12.12.2022.

The writ petitions stand disposed of accordingly. No costs.

(ANIL L. PANSARE, J.)

(A. S. CHANDURKAR, J.)

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