

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 4377 OF 2022

(Ashfaque Ahmed Abdul Qadar Vs. State of Maharashtra & Ors.)

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

Court's or Judge's order

Shri Z.Z. Haq, Advocate for the petitioner.
Ms. N.P. Mehta, Assistant Government Pleader for respondent Nos. 1 and 2/ State.
Shri A.S. Dhore, Advocate for respondent Nos. 3 and 4.

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

DATE : DECEMBER 19, 2022.

The petitioner who was serving as an Assistant Teacher retired on reaching the age of superannuation on 31/12/2019. He was deprived of his pensionary benefits and has thus filed this Writ Petition.

*After notice was issued, the Education Officer (Secondary) has filed an affidavit dated 21/9/2022 wherein in paragraph 8, it has been stated as under :
"8. The answering respondent submits that until No Due Certificate is issued by the management, pensionary benefits cannot be released in favour of the petitioner as that being the procedure which is followed to grant pensionary benefits to the candidate. The petitioner is authorized and entitled to receive the pensionary benefits since the date of his retirement."*

Pursuant to the order passed by this Court on 12/10/2022, respondent Nos. 3 and 4 have filed their affidavit. Along with the same, No Due Certificate and all requisite documents have been submitted to the Education Officer (Secondary).

In the light of the aforesaid, the Writ Petition is disposed of by directing respondent No.2 – Education Officer (Secondary) to take all necessary steps to enable the petitioner to receive pensionary benefits in accordance with law. The same be done within a period of four weeks of receiving copy of this order.

The Writ Petition is allowed and disposed of. No costs.

(ANIL L. PANSARE, J.)

(A. S. CHANDURKAR, J.)