

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

WRIT PETITION NO.6027 OF 2019

Kanta Shyamraoji Kanoje, Narsala Road, Nagpur

-vs-

The State of Maharashtra, Thr. Secretary, Dept. of Education, Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Anand Parchure, Advocate for petitioner.

Ms Tajwar Khan, Assistant Government Pleader for respondent Nos.1 and 3.

Shri Shaikh Majid, Advocate for respondent No.2.

Shri N. S. Deshpande, Advocate for respondent Nos.4 and 5.

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

DATE : September 23, 2022

The petitioner seeks benefit of grant of 25% graduate quota pay-scale from July 1994. By the order dated 15/03/2013 the same has been granted to the petitioner from 02/01/2012.

It is seen that the petitioner on 07/08/2018 has made a representation to the Education Officer (Primary) for grant of such relief. According to the learned counsel for respondent No.2, the petitioner would not be entitled to the relief sought by her in view of provisions of Government Resolution dated 14/11/1979.

Be that as it may, we find that the petitioner has now superannuated from service. Her representation dated 07/08/2018 has not been adjudicated upon. The interests of justice would be met by issuing following directions.

- i) In addition to representation dated 07/08/2018, the petitioner is at liberty to file additional documents in support of her claim for entitlement to 25% graduate quota pay-scale.
- ii) The Education Officer (Primary) shall consider the

petitioner's representation and take a decision on the same in accordance with law. The same be done after giving an opportunity to the petitioner and preferably within a period of six weeks of receiving additional documents from the petitioner. The decision taken be communication to the petitioner.

iii) Since the petitioner has superannuated, the respondent Nos.4 and 5 are directed to take necessary steps to enable grant of provisional pension to the petitioner in accordance with the Rules subject to decision on her claim for entitlement to 25% graduate pay-scale.

With these directions the Writ Petition is disposed of with no order as to costs.

(Urmila Joshi-Phalke, J.)

(A. S. Chandurkar, J.)

Asmita