

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

WRIT PETITION NO.7236 OF 2018
Vishwas s/o Deochand Borkar and anr

..VS..

**State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors**

Shri H.M.Bobade, Counsel for the Petitioners.
Shri D.P.Thakre, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.4781 OF 2018
Namdeorao Kewalram Kapgate and anr

..VS..

**State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors**

Shri H.M.Bobade, Counsel for the Petitioners.
Ms T.H.Udeshi, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.7012 OF 2018
Rajesh Kisan Gajbhiye and ors

..VS..

**State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors**

Shri H.M.Bobade, Counsel for the Petitioners.
Mrs.N.P.Mehta, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.7013 OF 2018
Dnyaneshwar s/o Tarachand Rahangdale and anr

..VS..

**State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors**

Shri H.M.Bobade, Counsel for the Petitioners.
Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.7014 OF 2018
Meghshyam s/o Arun Gedam

..VS..

**State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors**

Shri H.M.Bobade, Counsel for the Petitioner.

Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.7179 OF 2018
Bharat Rambhau Kuhite and anr

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri H.M.Bobade, Counsel for the Petitioners.

Ms T.H.Udeshi, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.7280 OF 2018
Anita Bhojraj Charde and ors

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri H.M.Bobade, Counsel for the Petitioners.

Ms N.P.Mehta, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.7282 OF 2018
Nanaji Deodas Selokar and ors

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri H.M. Bobade, Counsel for the Petitioners.

Mrs. K.R.Deshpande, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.8130 OF 2018
Ku. Jayashree d/o Sahdeorao Nagalwade

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri H.M.Bobade, Counsel for the Petitioner.

Mrs.K.R.Deshpande, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.8134 OF 2018
Ramesh s/o Kisanlal Gautam and anr

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri H.M.Bobade , Counsel for the Petitioners.

Shri D.P.Thakre, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.8182 OF 2018
Dilip s/o Shankarrao Kokate and anr

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Mrs.S.S.Dasputre, Counsel for the Petitioners.

Shri D.P.Thakre, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.130 OF 2019
Dinesh Laxmanrao Tayde and ors

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors

Shri P.S.Patil, Counsel for the Petitioners.

Mrs.K.R.Deshpande, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.259 OF 2019
Avinash Chindhuji Dakhale and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri H.M.Bobade, Counsel for the Petitioners.

Shri M.A.Sable, Counsel for the Respondent No.3

Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.262 OF 2019
Shaikh Anis Shaikh Razzaque and another

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri H.M.Bobade, Counsel for the Petitioners.

Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.261 OF 2019
Raju Khandu Dongare and another

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri H.M.Bobade, Counsel for the Petitioners.
Shri N.R. Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.271 OF 2019
Pramod Bhaurao Petkar and another
..VS..
State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri H.M.Bobade, Counsel for the Petitioners.
Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.272 OF 2019
Ku.Sanjivani d/o. Ganpatrao Tadas
..VS..
State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri H.M.Bobade, Counsel for the Petitioner.
Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.550 OF 2019
Mukesh Narayanrao Gavankar and others
..VS..
State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri P.S.Patil, Counsel for the Petitioners.
Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.133 OF 2013
Shaikh Mukhtar s/o. Abdul Salaam and others
..VS..
State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri A.Shelat, Counsel for the Petitioners.
Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.7547 OF 2018
Mrs. Anjusha Gangadharrao and others
..VS..
State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri N.D.Khamborkar, Counsel for the Petitioners.
Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.263 OF 2019
Mahendra Udhav Khobragade

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri H.M.Bobade, Counsel for the Petitioner.
Shri N.R. Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.7989 OF 2018
Madhav Gulabrao Mankar and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri P.S.Patil, Counsel for the Petitioners.
Shri M.A.Sable, Counsel for the Respondent No.5.
Shri N.R. Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.270 OF 2019
Pandurang s/o Vithoba Bhondge and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri H.M.Bobade, Counsel for the Petitioners.
Shri N.R. Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.268 OF 2019
Shobha Kuwarlal Sabale

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri H.M.Bobade, Counsel for the Petitioner.
Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.269 OF 2019
Shyam Babanrao Sahadeokar and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri H.M.Bobade, Counsel for the Petitioners.
Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.260 OF 2019
Dipankar Ravindranath Humane and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri H.M.Bobade, Counsel for the Petitioners.
Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.266 OF 2019
Anil Dashrathji Tarte

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri H.M.Bobade, Counsel for the Petitioners.
Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.264 OF 2019
Chaya Ramraoji Girolkar and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri H.M.Bobade, Counsel for the Petitioners.
Shri N.R. Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.267 OF 2019
Mohammad Zarifur Raheman s/o Mobinur Raheman and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri H.M.Bobade, Counsel for the Petitioners.
Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.265 OF 2019
Shivcharan s/o Keshao Fande and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and
ors.

Shri H.M.Bobade, Counsel for the Petitioners.
Shri N.R.Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.273 OF 2019
Subhash Manikrao Bhusari and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and ors.

Shri H.M. Bobade, Counsel for the Petitioners.
Shri N.R. Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.976 OF 2019
Sachin Prakash Paralkar

..VS..

State of Mah., thr.its Secretary, Department of School Education and Sport, Mantralaya, Mumbai and ors.

Shri P.S.Patil, Counsel for the Petitioner.
Mrs.N.P.Mehta, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.1370 OF 2019
Vijay s/o Shankar Bawanthade and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and ors.

Shri H.M.Bobade, Counsel for the Petitioners.
Ms.T.H.Udeshi, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.1500 OF 2019
Manda Vasudeo Dongre and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and ors.

Shri H.M.Bobade, Counsel for the Petitioners.
Shri D.P.Thakare, Addl. Government Pleader for the State.

WITH
WRIT PETITION NO.2253 OF 2019
Shri Bandu Rambali Jaiswal and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and ors.

Shri N.D.Khamborkar, Counsel for the Petitioners.
Mrs.K.R.Deshpande, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.2903 OF 2019
Abdul Kausar Abdul Rahman and others

..VS..

State of Mah., thr.its Principal Secretary, Department of Finance, Mantralaya, Mumbai and ors.

Shri A.I. Shaikh, Counsel for the Petitioners.
Shri N.R. Rode, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.3393 OF 2019
Vishnu s/o Ajabrao Wankhede and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and ors.

Shri H.M.Bobade, Counsel for the Petitioners.
Ms N.P.Mehta, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.3406 OF 2019
Geeta Dattu Puri

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and ors.

Shri H.M.Bobade, Counsel for the Petitioner.
Ms N.P.Mehta, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.3422 OF 2019
Savita Sopan Pakhidde and another

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and ors.

Shri H.M.Bobade, Counsel for the PetitionerS.
Ms N.P.Mehta, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.3425 OF 2019
Umesh s/o Pandurangji Sinjangude and others
..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and ors.

Shri H.M.Bobade, Counsel for the PetitionerS.
Ms N.P.Mehta, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.3423 OF 2019
Rajani Padmakar Samarth and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and ors

Shri H.M.Bobade, Counsel for the PetitionerS.
Ms N.P.Mehta, Assistant Government Pleader for the State.

WITH
WRIT PETITION NO.3465 OF 2019
Abhijeet Vijay Borikar and others

..VS..

State of Mah., thr.its Secretary, Department of Finance, Mantralaya, Mumbai and ors.

Shri H.M.Bobade, Counsel for the Petitioners.
Ms T.H.Udeshi, Assistant Government Pleader for the State.

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

Court's or Judge's Order

CORAM : A.S.CHANDURKAR & URMILA JOSHI-PHALKE, JJ.
DATED : JUNE 23, 2022

1. Heard the learned counsel for the petitioners and the learned Assistant Government Pleaders for the State.
2. In all these writ petitions, the petitioners seek a declaration that in view of the provisions of the Maharashtra Civil Services (Pension) Rules, 1982, their services to be governed by the Old Pension Scheme and they are entitled to service benefits according to the said Scheme. In view of the fact that the aforesaid issue was referred to a Larger Bench, the adjudication of similar writ petitions was deferred. By the judgment dated

30.4.2019, the Full Bench has answered the reference and in paragraph No.37 while answering question No.2, it has been held that as under:

37. Under these circumstances, we answer the Reference as under :-

Question No.2 :

The employees who were appointed prior to 1.11.2005 in aided recognized primary, secondary schools as well as colleges of education which were receiving less than 100% grant-in-aid as on 1.11.2005 would be governed by the DCP scheme."

3. The learned counsel for respective petitioners fairly submit that in all these cases the Management started receiving 100% grant-in-aid after 1.11.2005. In view of this position, it is clear that the petitioners would be governed by defined Contributory Pension Scheme which has come into force from 1.11.2005.

4. While disposing of these writ petitions in aforesaid terms, it is also observed that this adjudication would be subject to the challenge that is pending before the Honourable Supreme Court against the judgment of the Full Bench. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

!! BrWankhede !!