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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

903 WRIT PETITION NO.9545 OF 2022

VANDANA LAKHICHAND BOROLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

....

Ms Nayana Patil, Advocate h/f Ms Surekha P. Mahajan, Advocate
for Petitioner;

Mr V. M. Kagne, A.G.P. for Respondent Nos.1 to 3

Mr Girish Rane, Advocate for Respondent Nos.4 & 5

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 24th March, 2023

PER COURT:

1. We have considered the submissions of the learned Advocate for the respective sides, yesterday and today. The issue raised, lies in a narrow compass.

2. The Petitioner has put in full time service as an 'Assistant Teacher' in Mathematics w.e.f. 05/06/2007. She would be superannuating from employment on 31/03/2023. Having put in around 15 years and 9 months as an approved Assistant Teacher, she prays that her engagement as an 'untrained teacher' from 01/07/1988 until 05/06/2007, which was approved by the

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Competent Authority, be reckoned with, to the extent of 50%, to be added to the full time service, in the light of the law laid down by this Court in **Mahatma Phule Krishi Vidyapeeth, Rahuri Vs. Ganpat Kisan Karle, 2016 (4) Bom. C.R. 790; Anil Popat Chobhe Vs. The State of Maharashtra and others** (Writ Petition No.9542/2021) alongwith connected petitions, decided on 24/08/2022; and **Chitrarekha M. Naik Vs. State of Maharashtra, 2021 SCC Online Bom. 3368.**

3. Issue raised by the Petitioner is no longer res integra. It is now crystallized that, the part time service, which is approved by the Competent Authority, can be considered to the extent of it's 50%, to be added up with the regular service put in by an employee, so as to calculate qualifying service for the purposes of the retiral benefits.

4. In view of the above, this petition is partly allowed. We conclude that, the part time service of the Petitioner as an 'untrained teacher', which has been approved, shall be considered to the extent of 50% for being added to the permanent service put in by her, for the purpose of retiral benefits. Respondent No.2 shall forward the pension papers of the Petitioner pursuant to her

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superannuation on 31/03/2023 to the Competent Authority, within a period of 15 days post retirement.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

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