

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1530 OF 2010

Dr. Jayawant Subhedar Chaudhari and ors Petitioners

Versus

State of Maharashtra and Ors. Respondents

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Mr. A. M. Pungliya for the Petitioners.

Mr. N. C. Walimbe, AGP for Respondent - State.

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**CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ.**

DATED : 12 October 2023

ORAL ORDER:

1. Rule. Rule made returnable forthwith. By consent of the parties, taken up for final hearing at admission state.
3. Heard learned counsel for the petitioners and learned AGP for the respondent - State.
4. Learned AGP has tendered the Affidavit-in-Reply filed on behalf of respondent no.3, the same is taken on record.
5. That the facts of the present petition are similar to the facts involved in Civil Appeal No.2856 of 2019 (SLP (Civil) No.18527 of 2013) decided on 11th March 2019 by the Apex Court. We are, therefore, of the view that this petition can also be disposed of on similar lines and for the same reasons.

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6. The communication dated 19th December 2006 issued by the Joint Director of Higher Education, Kolhapur Division, is quashed and set aside. The Joint Director of High Education, Kolhapur Division shall decide the claim of the petitioners regarding the option exercised by him indicating that they would be opting for dropping the provident fund scheme. The claim of the petitioners shall be decided in terms of Government Resolution dated 23 June 2015 within four weeks from the date of this order.

7. Writ Petition stands disposed of in the above terms. Rule is made absolute. There shall be no order as to costs.

(FIRDOSH P. POONTIWALLA, J.)

(SUNIL B. SHUKRE, J.)