

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16060 OF 2023

Jambira Manaji Ahire |
Age : 71 years, Occ. : NIL |
R/o. Kavaddara, Sukar, |
Tal. and Dist. Nashik | **.. Petitioner**

Versus

1. The State of Maharashtra, |
Through the Secretary, |
Rural Development and Water Conservation |
Department, Mantralaya, Mumbai 400 032. |
2. The Secretary, |
School Education and Sports Department, |
Mantralaya, Mumbai 400 032. |
3. The Director of Education, |
Maharashtra State, Pune. |
4. The Chief Executive Officer, |
Zilla Parishad, Nashik |
5. The Education Officer (Primary), |
Zilla Parishad, Nashik | **.. Respondents**

ALONG WITH

WRIT PETITION NO.12436 OF 2023

Ratnamala Nanaji Jadhav @ |
Ratnamala Prakash Katarnavare, |
Age : 75 years, Occ. : NIL, |
R/o. Ambedkar Nagar, Wavives, |
Tal. Sinnar, Dist. Nashik | **.. Petitioner**

Versus

1. The State of Maharashtra, |
Through the Secretary, |
Rural Development and Water Conservation |
Department, Mantralaya, Mumbai 400 032. |

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| 2. The Secretary, |] |
| School Education and Sports Department, |] |
| Mantralaya, Mumbai 400 032. |] |
| 3. The Director of Education, |] |
| Maharashtra State, Pune. |] |
| 4. The Chief Executive Officer, |] |
| Zilla Parishad, Nashik |] |
| 5. The Education Officer (Primary), |] |
| Zilla Parishad, Nashik |] .. Respondents |

Mr. Balaji Shinde for the Petitioner in both the Petitions.

Mr. V.M. Mali, AGP for Respondent Nos.1 to 3.

Mr. Vivek B. Rane, i/by Mr. Ashwin Kapadnis, for Respondent Nos.4 and 5.

**CORAM : A.S. CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ**

DATE : 21ST DECEMBER, 2023.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. RULE. Rule made returnable forthwith and heard learned counsel for the parties.

2. The petitioners seek pensionary benefits consequent upon their superannuation from the post of “Assistant Trained Teachers”. The petitioners seek to rely upon the Judgment of this Court in Writ Petition No.3912 of 2019, (*Sonu P. Kapadne & Ors. Vs. State of Maharashtra*), decided on 24th August 2020. It is submitted that the present petitioners are similarly situated and the entitlement for such pensionary benefits has been considered in the aforesaid Judgment. The learned counsel appearing for the Zilla Parishad submits that in

the light of the said decision, a direction was issued in Writ Petition (Stamp) No.1570 of 2021 (*Pavji Soma Khandvi & Ors. Vs. The State of Maharashtra & Ors.*), along with Writ Petition (Stamp) No.1572 of 2021 (*Bhiva Shivram Bamhane & Ors. Vs. The State of Maharashtra & Ors.*), on 5th February 2021, that the case of such petitioners be examined and after due consideration, they be granted pensionary benefits, if found eligible.

3. In view of the aforesaid and for the reasons assigned in the aforesaid Writ Petitions, it is directed that the Zilla Parishad shall examine the case of each petitioner to entitlement for pensionary benefits. Such benefits shall not be denied to the petitioners on the ground that they did not possess the necessary qualification of a “Trained Teacher”. Their cases be considered within a period of eight weeks from receipt of a copy of this order.

4. Rule is disposed of in the aforesaid terms with no order as to costs.

[FIRDOSH P. POONIWALLA, J.]

[A.S. CHANDURKAR, J.]