

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1198 OF 2023

Smt. Rajani Ramchandra Dhongade

..VS..

The Education Officer (Sec.), Z.P. Nagpur and another

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

Court's or Judge's orders

Mr. P.N. Shende, Advocate for petitioner.

Mr. A.A. Madiwale, Assistant Government Pleader for respondent No.1.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ

DATED : MAY 02, 2023

Heard.

2. The grievance of the petitioner is with regard to failure on the part of respondent No.1 in releasing her pensionary benefits. It is the case of the petitioner that she came to be appointed as 'Shikshan Sevak' on 16.08.2005. Initial appointment on probation had been approved by the Education Officer (Secondary) on 01.09.2005. Subsequently, the services of the petitioner were confirmed as 'Assistant Teacher'. The petitioner retired on attaining age of superannuation on 31.05.2021. Her proposal for release of pensionary benefits was made on 11.08.2021 but the Education Officer (Secondary) noticed certain deficiencies therein and informed the same to the respondent No.2. These deficiencies are stated to be removed on 18.02.2022. Despite aforesaid, the proposal is still pending with the respondent No.1.

3. The learned counsel for the petitioner places reliance on the decision in Writ Petition No. 8990 of 2021 (*Smt. Manasi Sudhir Mane @ Aruna Yashwant Patil Vs. The State of Maharashtra and Others*) decided at the Principal Seat on 11.04.2022. He submits that since the respondent No.2 –

school is receiving grant-in-aid since 1977, the petitioner would be entitled to benefit of the Government Resolution dated 19.07.2011.

4. We find that the proposal with regard to grant of pensionary benefits is pending with the Education Officer (Secondary). Interest of justice would be served by directing the Education Officer (Secondary) to consider the said proposal in the light of the judgment referred herein above and take a decision thereon within a period of four weeks on receiving copy of this order. The decision taken be communicated to the petitioner.

5. Needless to state that if the grievance of the petitioner subsists thereafter she is free to seek legal address in accordance with law.

6. The Writ Petition is disposed of in the above terms. No costs.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

Kirtak