



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

WRIT PETITION NO.3494/2023

1. Rajeev R. Katare,
aged 50 Yrs., Occ. Service,
Leela Heights Apartments,
Tapadiya Nagar, Akola.
2. Yashwant M. Rajurkar,
aged 48 Yrs., Occ. Service,
“Aadhar”, New Godbole Plot,
Dabki Road, Akola 444 002.
3. Vaibhav Bharat Fuladi,
aged 48 Yrs., Occ. Service,
Damle Marg, Ramdas Peth,
Akola 444 001.
4. Jitendra R. Gawande,
aged 50 Yrs., Occ. Service,
Samarth, Vidya Nagar,
Gorakshan Road, Akola.
5. Neeraj R/ Palaspagar,
aged 44 Yrs., Occ. Service,
Gayatri Nagar, Hingna Road,
Akola.
6. Nitin M. Khanderao,
aged 45 Yrs., Occ. Service,
Qtr. No.C/40, PDKV Campus,
Behind Agri. College, PO Krishi
Nagar, Akola 444 104.
7. Narendra V. Pinjarkar,
aged 52 Yrs., Occ. Service,
B-49, Collector Colony, Near Prosoft

Computers, Akola.

8. Gopal D. Kharode,
aged 47 Yrs., Occ. Service,
Sambhaji Nagar, Adarsh Colony,
Akola.
9. Avinash D. Umale,
aged 50 Yrs., Occ. Service,
B-104, Z.P. Nagar, Khadki,
Akola.
10. Gajanan S. Kakade,
aged 52 Yrs., Occ. Service,
Qtr. No.B/43, Shastri Gate,
Forestry Colony, Dr. PDKV Akola.
11. Ku. Sunita D. Thakare,
aged 46 Yrs., Occ. Service,
C/o Adv. Vinod Mehekare,
C-61, Shastri Gate Quarter,
Dr. PDKV Akola.
12. Ku. Swati Ratnakar Udaykar,
aged 41 Yrs., Occ. Service,
C/o Shri Nitin R. Sudke, Wakratund,
Gandhi Nagar Post Office, Mitra Nagar,
Akola 444 004.
13. Ku. Vaishali A. Barde,
aged 45 Yrs., Occ. Service,
Swami Parakash Apptt., Flat No.1,
Kothari Vatika No.1, Gurukul Colony,
Malkapur Road, Akola.
14. Ku. Sunanda G. Maraskole,
aged 41 Yrs., Occ. Service,
PDKV Campus, Qtr. No.D-33,

Back Side of Agri. College, Akola.

15. Dr. Sapna S. Rajderkar,
aged 41 Yrs., Occ. Service,
Add : Near Old Umri Naka,
in front of Shrihari Market,
Akola 444 005.
16. Rupesh S. Raut,
aged 43 Yrs., Occ. Service,
Res : I No.29, Radharaman
Nagar, Wadgaon Road,
Yavatmal 445 001.
17. Dhanraj L. Rathod,
aged 54 Yrs., Occ. Service,
Res : At Khekadi, Po. Sakhara,
Tq. Digras, Yavatmal 445 203.
18. Mangesh V. Shete,
aged 44 Yrs., Occ. Service,
Add : 32, Vishvashobha, Bijwe
Layout, Amrai, Wadgaon,
Yavatmal 445 001.
19. Ashish H. Chikhale,
aged 42 Yrs., Occ. Service,
Add : Shrikrupa, 26/B, Madhav
Nagar, Gorakshan Road, Akola.
20. Sunil B. Thawari,
aged 47 Yrs., Occ. Service,
Add : Qtr. No.C/16, Krishi Nagar,
Akola 444 104.
21. Shilpa V. Bisen,
aged 48 Yrs., Occ. Service,
R/o C/o Shrikant S. Chauhan,

5, Saptarshi, 26 Park Avenue, Near
Kotbagi Hospital, D.P. Road, Aundh,
Pune 411 007.

22. Shailandrakumar Y. Kadu,
aged 45 Yrs., Occ. Service,
R/o Plot No.9, Shivraj Nagar,
No.2, Nr. Vishwakarma Nagar,
Rd. No.1, Nagpur 440 027. ... Petitioners

- Versus -

1. State of Maharashtra,
through its Secretary, Department
of Agriculture, Mantralaya, Mumbai.
2. The Vice-Chancellor,
Dr. Panjabrao Deshmukh Krishi
Vidyapeeth, P.O. Krishinagar,
Akola 444 104.
3. The Registrar,
Dr. Panjabrao Deshmukh Krishi
Vidyapeeth, P.O. Krishinagar,
Akola 444 104. ... Respondents

Mr. Prafulla S. Khubalkar, Counsel for the Petitioners.
Ms. N.P. Mehta, Additional Government Pleader for Respondent No.1.
Mr. A.R. Patil, Counsel for Respondent Nos.2 and 3.

CORAM: A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.
DATE : 9.10.2023

ORAL JUDGMENT (Per A.S. Chandurkar, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard
finally by consent of learned counsel for the parties.

2. The petitioners seek a declaration that they are entitled to the benefit of the old pension scheme in view of the recruitment process pursuant to which they were appointed had commenced prior to 1.11.2005.

3. It is not in dispute that advertisement dated 14.8.2004 came to be issued by the third respondent. The last date for application form was 15.9.2004. It is pursuant to this process of recruitment that the petitioners came to be appointed on various non-teaching posts at Dr. Panjabrao Deshmukh Krishi Vidyapeeth, Akola.

4. The issue raised is no longer *res integra* in view of the judgment of the Division Bench in Writ Petition No.2270/2021 (Khillari Rajendra Eknath and others V/s. The State of Maharashtra and others) dated 28.4.2023 decided at the Principal Seat. It has been held therein that if the process of recruitment has commenced prior to 1.11.2005 the services of the concerned employees would be

governed by the old pension scheme. This decision has been subsequently followed in various other decisions of this Court.

5. The learned Additional Government Pleader for the respondent No.1 submits that the aforesaid decision is intended to be challenged before the Hon'ble Supreme Court. We find that if the respondent No.1 succeeds in its challenge to the aforesaid decision, which challenge is yet to be filed, the consequences thereof would automatically follow. Hence for the reasons recorded in the judgment in case of Khillari Rajendra Eknath and others (supra) it is held that the services of the petitioners are governed by the old pension scheme. The respondents shall grant all consequential benefits to the petitioners within a period of 4 months from today. Rule is made absolute in the aforesaid terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)