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

WRIT PETITION NO. 5129 OF 2022

Dr. (Mrs.) Vinaya Bhupendra Shahane,
Aged 62 yrs., Occu. Retired,
r/o c/o P. V. Textiles, At and Post Jam,
Taluka Samudrapur,
District Wardha – 442301. PETITIONER

// VERSUS //

1. State of Maharashtra through its Secretary,
Department of Higher and Technical Education,
Mantralaya, Mumbai 400032.
2. The Director of Higher Education,
State of Maharashtra, Central Building,
Pune – 411001.
3. The Joint Director of Higher Education,
Nagpur Division, Old Morris College
premises, Civil Lines, Nagpur – 440001.
4. Yeshwant Mahavidyalaya, Wardha,
through its Principal, Near Collector,
office, Sewagram Road, Civil Lines,
Wardha – 442001. RESPONDENTS

Mr. B. G. Kulkarni, Advocate for petitioner.
Mrs. H. N. Prabhu, AGP for respondent Nos.1 to 3.

CORAM : AVINASH G. GHAROTE AND
URMILA JOSHI-PHALKE, JJ.
DATED : 07.11.2023

ORAL JUDGMENT : [PER: URMILA JOSHI-PHALKE, J.]

1. **RULE.** Rule made returnable forthwith. Heard finally by
consent of the learned Counsel for the parties.
2. The present Writ Petition is filed for seeking relief by
claiming pension under the Old Pension Scheme by considering half of

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the part time service as well as full time service. The petitioner has rendered the part time service from 16.11.1987 to 26.02.2009 and as a part time approved Teacher and full time with effect from 27.02.2009 to 31.07.2019.

3. It is submitted by the learned Counsel for the petitioner that this aspect is already considered by this Court in Catena of decision and recently in Writ Petition No.8656/2018 (Surekha wd/o Vinayak Kathardekar Vs. Joint Director Higher Education, Government Polytechnic College Campus, Sadar, Nagpur and others) dated 17.02.2020. This Court has considered this aspect and held that the petitioner is entitled to pensionary benefits. The facts of this case are identical with the facts mentioned in the judgment in Writ Petition No.8656/2018. The Special Leave to Appeal (C) No(s).12520/2021 against the said judgment and order passed in Writ Petition No. 8656/2018 is already dismissed by the Hon'ble Apex Court. The issue is already covered by the said judgment.

4. In view of that, the petition is allowed in terms of prayer clause Nos.(i) and (ii).

5. Rule is made absolute in the above terms. No costs.

(URMIL A JOSHI-PHALKE, J.) (AVINASH G. GHAROTE, J.)