

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

WRIT PETITION NO. 4995/2023

Jyoti Bhaskar Meshram Vs. State of Maharashtra and Ors.

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

Court's or Judge's order

.....
Mr. H. M. Bobade, Advocate for Petitioner.

Ms. S. S. Jachak, Assistant Government Pleader for Respondent Nos.1 to 3.

CORAM : A.S.CHANDURKAR AND MRS.VRUSHALI V. JOSHI, JJ..

DATED : 11.08.2023

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. **Rule.** Rule made returnable forthwith and heard
the learned Counsel for the parties.

2. The petitioner claims to have been appointed on
an aided post as full time Assistant Teacher prior to
01/11/2005. The petitioner claims a declaration as regards
applicability of the old pension scheme to receive such
benefits.

3. Learned Counsel for the petitioner relies upon
the judgment delivered by this Court at Principal Seat dated
01/10/2021 in the Writ Petition No. 4748 of 2019 (*Nilesh
s/o Namdev Gurav and ors. Vs. The State of Maharashtra
and ors.*) with connected matters and the judgment and
order dated 11/04/2022 in Writ Petition No. 8990 of 2021
(*Smt. Manasi Sudhir Mane Vs. The State of Maharashtra
and ors.*) with connected writ petitions.

4. In light of the above and for the reasons

recorded in the aforesaid judgments, we are inclined to pass a similar order as follows:-

(i) The case of the petitioner is relegated to the Respondent No. 3 – Deputy Director of Education for taking appropriate decision depending upon the outcome of verification and the facts governing the case of the petitioner.

(ii) Respondent No.3 – Deputy Director of Education is directed to decide the case of the petitioner regarding applicability of the old pension scheme as per Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Computation of Pensions) Rules-1984 and General Provident Fund Scheme by keeping in view law laid down by this Court in its various judgments referred to above.

(iii) If it is so found by the Deputy Director of Education that the petitioner is governed by old pension scheme, he shall issue necessary directions to not deduct any amount from the salary payable to such petitioner governed by the old pension scheme for the purpose of its applying to the DCPS or NPS, and shall also issue necessary directions for refunding of these amounts to the petitioner from the salary if the same is deducted, within four weeks of the date on which such determination is made.

(iv) In case it is found that the petitioner is governed by the old pension scheme necessary directions shall be issued by the Deputy Director of Education to open GPF account in the name of the respective petitioner within four weeks of the date on which her eligibility is determined.

(v) The petitioner to appear before the Respondent No.3 - Deputy Director of Education on 22/08/2023.

5. Rule made absolute in the aforesaid directions with no order as to costs.

(MRS.VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

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