

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

Writ Petition No. 7493 of 2022

[Bhujangrao Chokhaji Zote ..vs.. State of Maharashtra, through its Secretary, Education Department
and ors.]

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

Court's or Judge's orders

Mr. S. S. Deshpande, Advocate for the petitioner
Smt. K. S. Joshi, Addl. G. P for respondents 1 and 2

**CORAM : ROHIT B. DEO AND
M. W. CHANDWANI, JJ.**

DATED : 20-07-2023

The petitioner superannuated from the respondent 4 – school on 31-7-2022.

2. On the premise that the school was receiving 100% grand-in-aid as on the date of retirement, the petitioner claimed the benefit of the old pension scheme. The claim is rejected since as on the relevant date i.e. 1-11-2005, the school was not receiving 100% grand-in-aid.

3. We note from the admitted position on record, as is discernible from paragraph 6 of the petition, that as on the relevant date, the school was not receiving 100% grand-in-aid and it was only in 2006, that the school started receiving 100% grand-in-aid.

4. The Full Bench of this Court in ***Deshmukh Dilipkumar Bhagwan and ors. Vs. State of Maharashtra and ors. [2019(3) Mh.L.J. 903]*** has considered the question and has held that the employee must be working in a school receiving 100% grand-in-aid as on 31-10-2005 to be entitled to the old pension scheme.

5. We see nothing wrong in the decision impugned.

6. The petition is dismissed.

(M. W. Chandwani, J.)

(Rohit B. Deo, J.)

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