



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3279 OF 2020

Swapnaja W/o Vidyasagar Dravid
@ Alka D/o Purushottam Kalaskar,
Age : 64 years, Occu. Retired,
R/o Parimal, Saraswati Colony,
Near Canal, Shrirampur,
District : Ahmednagar

.. Petitioner

Versus

The State of Maharashtra
Through its Principal Secretary,
School Education Department,
Maharashtra State,
Mantralaya, Mumbai – 32 and others

.. Respondents

...

Advocate for petitioner : Mr. Vinod P. Patil
AGP for the respondent – State : Mr. D.R. Korde
Respondents no. 5 and 7 served – absent.

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 4 JULY 2024

ORDER (MANGESH S. PATIL, J.) :

Heard both sides.

2. The petitioner who has been waiting for pension, is aggrieved by the fact that in spite of earlier directions contained in writ petition no. 1946 of 2014 dated 22-03-2019, though the proposal is ready, the respondent – Education Officer (Secondary) has not been finalizing the pension papers.

3. The issue regarding counting of her service rendered as part time librarian is no more *res integra* in the light of catena of orders of various division benches of this Court.

4. The learned advocate for the petitioner prays that the Education Officer be directed to process the papers leading to passing of the pension orders.

5. Learned AGP submits that though the issue has been consistently addressed by this Court and there are number of decisions, the decision of this Court in a group of five matters i.e. writ petition no. 9542 of 2021 and other petitions, which was decided on 24-08-2022, has been decided to be challenged before the Supreme Court. Necessary approvals have been received and till the time, no direction be issued.

6. Since the State is still to prefer a Special Leave Petition, law consistently laid down by this Court would bind the Education Officer. He cannot take shelter of the proposal to prefer Special Leave Petition, for not taking a decision in the light of law laid down by this Court in the matters of ***Nilesh Namdev Gurav and others Vs. The State of Maharashtra and others*** (Writ Petition No. 4748 of 2019 decided on 01.10.2021), ***Smt. Shakuntala Ambadasrao Deshpande @ Anagha Arun Dharmadhikari Vs. The State of Maharashtra and others*** (Writ Petition No. 9054 of 2023 dated 15 March 2024),

Jayshree Narayan Mhaske Vs. State of Maharashtra and others;
2005(6) Mh.L.J. 492 and ***Shivappa S/o Bhujangappa Bembale Vs.***
State of Maharashtra and another; 2005(3) Mh.L.J. 709.

7. In the light of above, we allow the writ petition and direct the respondent – Education Officer (Secondary) to process the pension papers and take appropriate steps leading to passing the pension order, in the light of the afore-mentioned decisions, as expeditiously as possible and in any case within six weeks.

8. We make it clear that since already the petitioner had to move in contempt because of our earlier order, if the Education Officer fails to act according to the directions which we are imparting, we will be constrained to initiate a contempt proceeding.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/