



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12631 OF 2024

Rajendra Suryabhan Lawande .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Arvind G. Ambetkar, Advocate for the Petitioner.
Shri A. B. Girase, G.P. for the Respondent Nos. 1 to 8.

**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.
DATE : 21ST NOVEMBER, 2024.**

FINAL ORDER :

- . Heard learned counsel for the petitioner.
2. Issue notice to the respondents. Learned Addl. G. P. waives notice for respondent Nos. 1 to 8. Respondent Nos. 9 and 10 are formal parties. Hence there is no need to issue notice to them. Heard the writ petition finally at the admission stage.
3. The petitioner's claim is that he was earlier appointed as a part timer and thereafter as a full timer from 22.12.2007. The proposal was submitted to the respondent No. 5, which was rejected by order dated 08.03.2017. Petitioner is challenging the said order. His contention is that his earlier services as a part timer need to be counted for making him eligible for the old pension scheme.
4. Learned counsel for the petitioner relies on various

judgments and especially one first in time i. e. in the matter of Nilesh Namdev Gurav Vs. The State of Maharashtra and others reported in 2022(1) *Bom.C.R.* 612. He submits that the issue is no longer *res-integra* and his claim deserves to be allowed.

5. Learned Government Pleader submits that against the decision of the coordinate Bench in the matter of Namdev Gurav Vs. The State of Maharashtra and others (supra), special leave petition has been preferred. The delay has been condoned and leave has been granted. The matter is subjudice before the Supreme Court.

6. It reveals from record that on 04.07.2024 a fresh proposal has been forwarded by the management to the respondent No. 4. Ends of the justice would be met by directing the respondent No. 4 to decide the proposal on its merits and in accordance with law.

7. The writ petition stands disposed of with a direction to the respondent No. 4 to decide the proposal dated 04.07.2024 on its merits, in accordance with law, as expeditiously as possible and within six (06) weeks from today, without being influenced by earlier rejection of the proposal vide order dated 08.03.2017. The respondent No. 4/Joint Director of Higher Education, Pune shall take into consideration relevant policies as well as judgments rendered in this regard.

[SHAILESH P. BRAHME J.]

[S. G. MEHARE, J.]