

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2840 OF 2024

Chandrakant Doulatrao Jadhav ... Petitioner

versus

The State of Maharashtra and Others ... Respondents

.....

Mr.Satyajeet A. Rajeshirke with Mr.Gautam R. Kulkarni for the
Petitioner.

Ms.R.A.Salunkhe, AGP for the Respondent -State.

.....

**CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.**

DATED : 18 JULY 2024

P.C.:

Heard the learned Counsel for the parties.

2. Since the order that we propose to pass, it is not necessary for us to
issue notice to Respondent Nos. 5 and 6 – Management.

3. The Petitioner was working with Respondent Nos. 5 and 6-
Management and retired as a librarian on 31 December 2019.

4. The Petitioner has challenged the order passed by the Education
Officer (Secondary), Raigad Zilla Parishad, Alibaug dated 25 January

2022 rejecting the proposal in respect of the Petitioner's pension on the ground that the Petitioner's appointment as a full time librarian is after 1 November 2005. The order dated 25 January 2022 states that if there is any specific order in favour of the Petitioner that may be produced.

5. The Petitioner relied upon the decision of the Division Bench of this Court in the case of *Mone Rashmi Shriram Versus State of Maharashtra and Others*¹. The Education Officer has ignored the settled position which is that to determine the applicability of old pension scheme, 50% of the services as a part time librarian can be counted. Once the legal basis is laid down, it is not necessary to pass an individual order in each matter repeating the same position of law. This fact is noted in the case of *Shri Nitin Bhika Tadge and Another Versus The State of Maharashtra and Another with connected Writ Petitions*² by the Division Bench of this Court. Therefore, the Education Officer will have to examine the record in respect of the Petitioner's services, both, as a part time and full time librarian and apply the legal position in the decision as referred above, and then decide the applicability of old pension scheme.

6. Accordingly, the impugned order dated 25 January 2022 passed by the Education Officer (Secondary), Raigad Zilla Parishad, Alibaug is quashed and set aside. The Petitioner's proposal stands restored to the

1 2017 SCC OnLine Bom 729

2 Writ Petition No. 204 of 2019 with connected Petitions dated 16 April 2024

file. The Petitioner will place copy of the decisions of this Court on the subject matter and in the case of *Shri Nitin Bhika Tadge and Another* before the concerned Education Officer. The Education Officer will note the legal position stated therein and the fact that deliberate refusal to acknowledge the settled legal position in the judgments of this Court may amount to contempt of this Court. Necessary steps be taken within a period of six weeks from today.

7. The writ petition is accordingly disposed of in above terms.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)