

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

WRIT PETITION NO. 134 OF 2024

Dr. Latika Bhanushali

... Petitioner

versus

State of Maharashtra and Others

... Respondents

.....

Mr.Mihir Desai, Senior Advocate with Ms.Sanskriti Yagnik for the
Petitioner.

Mr.K.S.Thorat, AGP for Respondent Nos. 1 to 4-State.

.....

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

DATE : 10 JANUARY 2024

P.C.:

Heard the learned Counsel for the parties.

2. The Petitioner is seeking a direction that the Petitioner should
be given benefits of an old pension scheme.

3. The learned Senior Advocate for the Petitioner contends that
though it is correct that the entire service of the Petitioner from the
initial date of appointment, that is, 1 September 1999 was not on full
time basis, but she was appointed on part time basis and on that
ground, the Petitioner cannot be denied the benefits of the old
pension scheme, since the service on part time basis cannot be

completely excluded from consideration. However, we do not find any order of rejection or a decision of the Respondents regarding entitlement of the Petitioner.

4. We direct Respondent No.2-Education Commissioner to take a decision as to whether the Petitioner is entitled to the old pension scheme. Respondent No.2- Education Commissioner will examine the relevant Government Resolution and the facts of the Petitioner's case. If the Petitioner is entitled, Respondent No.2- Education Commissioner will proceed to pass necessary orders. If any adverse order is proposed to be passed, then Respondent No.2- Education Commissioner will issue notice to the Petitioner setting out the proposed grounds to call upon the Petitioner to submit report/ reply.

5. After the reply is so received, Respondent No.2- Education Commissioner will deal with the same including the judgments of this Court cited, if any, and pass a reasoned order. Let this exercise be completed within a period of four months from today, subject to earlier time bound commitments.

6. The writ petition is accordingly disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)