

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 995 OF 2023

Shaila Vasantrao Joshi
VS

State of Maharashtra, through Principal Secretary, Medical Education and Drugs Department,
Mumbai and others

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

Court's or Judge's orders

Shri U.J. Deshpande, Advocate for petitioner
Ms Deepali Sapkal, AGP for respondent Nos. 1 & 2

CORAM : VINAY JOSHI, J. AND
SMT M.S. JAWALKAR, JJ.
DATE : 16/07/2024

Heard.

2. The petitioner was appointed as Nurse in the year 1976. However, after completion of more than 22 years of service, she took voluntary retirement on health ground. The petitioner seeks pensionary benefits in terms of Government Resolution dated 21/07/1983.

3. The State has mainly resisted the petition on the ground that the Government has changed the policy by Government Resolution dated 05/01/2022, whereby it has been decided that the employees who opted for voluntary

retirement from Government aided Private Ayurvedic and Unani institutions would be entitled for pension.

4. The learned Counsel for petitioner has also questioned the validity of Government Resolution by way of amendment. However, it is brought to our notice that the similar challenge was raised before the Principal Seat in Writ Petition No. 4597/2018 (*Sharad Nagnath Bubne and others Vs. State of Maharashtra and others*), whereas this Court has held that the said Government Resolution infringes Article 14 of the Constitution of India and thereby quashed and set aside vide judgment and order dated 19/04/2024. In the circumstances, the petitioner's entitlement cannot be denied on said count.

5. In view of above, we direct the respondents to reconsider the petitioner's entitlement for retiral benefits by taking into account the above referred decision of the Court. The said exercise shall be completed within four weeks from today.

6. Wrti petition is accordingly disposed of.

(SMT M.S. JAWALKAR, J.)

(VINAY JOSHI, J.)