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14 wp 5166-2023

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

WRIT PETITION NO. 5166 OF 2023

(Ku. Sujata Mahadeorao Duryodhan Vs. The State of Maharashtra through its Secretary, Finance Department,
State of Maharashtra, Mantralaya, 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 Ketan Pote, Advocate h/f Shri A.G. Ambetkar, Advocate for petitioner
Shri N.R. Patil, AGP for respondent Nos. 1 to 5

CORAM : AVINASH G. GHAROTE AND
SMT M.S. JAWALKAR, JJ.

DATE : 23.08.2024.

It is not in dispute that the petitioner was appointed as a part time Shikshan Sevak on 12/09/2005 which was before the cut off date of 01/11/2005 for the applicability of the old pension scheme. On 12/09/2008 the petitioner became a part time assistant teacher. Though the petitioner has been regularized as a Full Time Assistant Teacher on 01/10/2021, that however would not disentitle the petitioner for seeking benefits of old pension scheme, as it is not disputed by the learned Assistant Government Pleader that the school was on 100% grant in aid from 1990-91 and the post on which the petitioner was appointed was a sanctioned post and the temporary appointment of the petitioner would be entitled to be considered for counting the service period for the purpose of determining her pension upon her superannuation. The petition is therefore allowed by holding that the petitioner is entitled for the benefit of the old pension scheme.

(SMT M.S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)