

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11721 OF 2023**

Vijaya Rajgonda Patil @ Vijaykumar Kole] **Petitioner**
versus
The State of Maharashtra through the Secretary,]
School Education Department and others] **Respondents**

.....

Mr. Y.B. Lengare (through V.C.) a/w Mr. Rutik Kashid, for Petitioner.

Mr. S.B. Kalel, A.G.P, for Respondent-State.

.....

**CORAM : M.S. KARNIK &
 AJIT B. KADETHANKAR, JJ**

DATE : 11th NOVEMBER, 2025.

ORAL ORDER: [PER M.S. KARNIK, J.]:

1. By this petition under Article 226 of the Constitution of India, the petitioner is challenging the impugned order dated 13th February, 2023 passed by the respondent No.2 – The Deputy Director of Education and the order dated 21st September, 2018 passed by the respondent No.4 - The Senior Accounts Officer, Indian Audit and Accounts Department. The petitioner is further seeking direction to the respondent No.2 to forward the pension proposal to the respondent No.4. She further seeks a direction to the Respondent No.4 to approve her pension proposal and release the pension and pensionary benefits with 12% interest thereon.

2. The petitioner is qualified as M.A. D.H.E - Sociology. The petitioner is from open category. The respondent No.5 - The Secretary, Shri Gujrati Seva

Samaj Sangli has duly selected and appointed the petitioner on temporary basis with effect from 28th July, 1981. The petitioner was appointed as Part Time Lecturer on Regular Basis from 28th July, 1984. The petitioner was teaching Sociology subject in respondent No.6 – Smt Champaben Balchand Shah Mahila Mahavidyalaya, Ratanshinagar, Sangli. The petitioner was appointed as Full Time Lecturer by the Respondent No.5 on 11th June, 2007.

3. Respondent No.2 has granted approval to the post of the petitioner with effect from 11th June, 2007 vide an order dated 30th March, 2011. Vide letter dated 9th October, 2017, the petitioner has requested respondent No.1 to consider her 50 percent services. Respondent No.2 submitted the proposal to the respondent No.4 on 23rd August, 2018. Respondent No.4 by the letter dated 21st September, 2018 informed the respondent No.2 that pension is not admissible to the employees appointed after 1st November, 2005. Respondent No.2 by the impugned order dated 13th February, 2023 refused to send the pension proposal of the petitioner to the respondent No.4.

4. We have heard Mr. Lengare, learned Counsel for the petitioner as well as Mr. Kalel, the learned A.G.P., for respondent – State.

5. Learned A.G.P argued in support of the impugned order. It is the case of the petitioner that she was duly appointed as Part Time Lecturer from 28th July, 1984 and approval has been granted by respondent No.2 to the post of the

petitioner by order dated 24th August, 1984. It is the case of the petitioner that respondent No.5 – Institution was receiving 100% grant-in-aid. Therefore, in the light of the ratio laid down by this Court in **Babaso Ganapati Awate Versus State of Maharashtra and others in Writ Petition No.3796 of 2021** decided by the Principal Seat of this Court vide order dated 9th October, 2024, 50 percent of the service of the petitioner from 28th July, 1984 to 10th June, 2007 was required to be considered for grant of benefits including pension and other retiral benefits.

6. Learned Counsel for the petitioner in support of his submission that issue of considering 50 percent services on Part Time with Full Time is no more *res integra* relied upon the decisions of this Court in (i) *Darshana w/o Adikrao Gaikwad Vs. State of Maharashtra in Writ Petition No.5421 of 2017 dated 9th July, 2018*; (ii) *Renuka Chandrabhan Umredkar Vs. State of Maharashtra in Writ Petition No.3696 of 2021 dated 7th September, 2021 and Manasi Sudhir Mane @ Aruna Yashwant Patil Vs. State of Maharashtra and others in Writ Petition No.8990 of 2021 dated 11th April, 2022*.

7. We, therefore, find the impugned order unsustainable. The Respondent No.2 ought to have considered the service of the petitioner with effect from 28th July, 1984 which was on part time basis for which approval has been granted and also the fact that the respondent No.6 – College where the petitioner was working was in receipt of 100% grant in aid. The impugned order is accordingly set aside.

8. Pension proposal of the petitioner be reconsidered by the respondent No.2 for forwarding the same to the respondent No.4 in light of the fact that the petitioner has rendered part time service and also that Institution has been receiving 100% grant-in-aid and accordingly forward the pension proposal to the respondent No.4 for grant of pensionary benefits to the petitioner. The necessary exercise be carried out by the respondent No.2 within a period of eight weeks from the date of communication of this order. It is open for the respondent No.2 to call for records from the Management for satisfying himself as regards Part Time service of the petitioner as well as the fact that respondent No.6 - College was receiving 100% grant-in-aid. Management to co-operate and if necessary, personal hearing be granted by the respondent No.2 to the petitioner as well as the Management for recording his satisfaction. Petitioner's claim for interest is kept open.

9. The petition is disposed of in the aforesaid terms. No order as to costs.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]