



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

WRIT PETITION NO.7346/2019

Smt. Bhavani Mohanro Shivakoty Vs. The State of Maharashtra and others

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

Court's or Judge's order

Mr. A.C.Dharmadhikari, Advocate for petitioner
Mr. H.D.Marathe, AGP for respondent nos.1 to 4.

CORAM : NITIN W. SAMBRE & MRS. VRUSHALI V. JOSHI, JJ.
DATE : FEBRUARY 05, 2025.

1. The learned Additional Government Pleader on instructions submits that the school in which the petitioner is working since was brought on 100% grant-in-aid since 2006, the petitioner would be entitled to gratuity however would not be entitled for the pension under the Old Pension Scheme.
2. In this backdrop, since it is brought to our notice by the counsel for the petitioner that the issue of applicability of Old Pension Scheme to the candidates like the petitioner is subjudice before the Apex Court in S.L.P. (Special Leave to Appeal) No.9375/2015 (Pradip Madhorao Mahalle and ors. vs. State of Maharashtra, Thr. Its Secretary Finance Dept. Mumbai and ors.), we deem it appropriate to dispose of the petition by recording statement made by the learned Additional Government Pleader.
3. However, we make it clear that in case the decision of the aforesaid S.L.P. goes contrary to the benefit of the petitioner, it shall be open for her to approach afresh. No costs.

(MRS.VRUSHALI V. JOSHI, J.) (NITIN W.SAMBRE, J.)