



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

WRIT PETITION NO. 4189 OF 2024

PETITIONERS

- : 1. Vinod Madhukarrao Chilankar, Aged about 45 Years, Occ. Service.
2. Smt. Manisha Pravin Karade (Maiden Name Ku. Manisha B. Kohale), Aged about 45 Years, Occ. Service.
- Both the Petitioners are R/o. C/o. Nootan Saraswati Vidyalaya, Kamthee, Tah. Kamthee, Dist. Nagpur.

//VERSUS//

RESPONDENTS

- : 1. Deputy Director of Education, Nagpur Division, Nagpur.
2. The Education Officer (Sec.), Zilla Parishad, Nagpur.
3. Nootan Saraswati Vidyalaya, Kamthee, Tah. Kamthee, Dist. Nagpur, through its Principal.

Mr. P.N. Shende, Advocate for the Petitioners.
Mr. A.S. Fulzele, Addl. G.P. for Respondent Nos.1 & 2/State.
Mr. A.G. Moharir, Advocate for Respondent No.3.

CORAM : SMT. M.S. JAWALKAR AND
RAJ D. WAKODE, JJ.

DATED : 15th OCTOBER, 2025.

ORAL JUDGMENT :- (PER : RAJ D. WAKODE, J.)

Heard Mr. PN. Shende, learned counsel for the petitioners, Mr. A.S. Fulzele, learned Additional Government Pleader for respondent Nos.1 and 2, and Mr. A.G. Moharir, learned counsel for respondent No.3.

2. **RULE.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.

3. The petitioners claim to have been appointed as Assistant Teachers in respondent No. 3 – School on 16/08/2005, i.e., prior to the cut-off date of 01/11/2005. Respondent No.3 – School has been receiving grant-in-aid from the State exchequer since 1977. In this backdrop, the petitioners seek directions to respondent Nos.1 and 2, i.e., the Deputy Director of Education, Nagpur Division, Nagpur, and the Education Officer (Secondary), Zilla Parishad, Nagpur, respectively, to forthwith grant them the benefit of the General Provident Fund (G.P.F.) and to open G.P.F. accounts in their favour under the Old Pension Scheme.

4. Mr. Shende, learned counsel for the petitioners, has relied upon the judgment of this Court in ***Writ Petition No.8990/2021 (Smt. Manasi Sudhir Mane @ Aruna Yashwant Patil Vs. The State of Maharashtra and Ors., along with connected writ petitions)***, decided on 11/04/2022. In the said judgment, after referring to earlier decisions of this Court, it was held that if an employee had been appointed prior to 01/11/2005 on an unaided post, but the school had been receiving 100% grant-in-aid prior to 01/11/2005, such an employee would be entitled to get the benefit of the Old Pension Scheme, as per the Government Resolution dated 19/07/2011. Accordingly, directions were issued to examine the case of each petitioner therein and to extend the benefit of the Old Pension

Scheme, if found eligible.

5. After hearing the learned counsel for the parties, we are of the view that a similar exercise of examining the cases of the petitioners for entitlement under the Old Pension Scheme can be undertaken. Hence, for the reasons recorded in the decision in the case of *Smt. Manasi Sudhir Mane* (supra), the following order is passed:

O R D E R

(i) The writ petition is **allowed**.

(ii) Respondent No.2 - the Education Officer (Secondary), Zilla Parishad, Nagpur, is directed to decide the cases of the petitioners regarding applicability of the Old Pension Scheme, as per the Maharashtra Civil Services (Pension) Rules, 1982, the Maharashtra Civil Services (Computation of Pension) Rules, 1984, and the General Provident Fund Scheme, by keeping in view the law laid down by this Court in its various judgments, including the judgment in the case of *Smt. Manasi Sudhir Mane* (supra).

(iii) If it is so found by respondent No.2 that the petitioners are governed by the Old Pension Scheme, respondent No.2 shall issue necessary directions to not deduct any amounts from the salaries payable to the petitioners governed by the Old Pension Scheme for the purposes of its applying to the DCPS or NPS, and shall also issue necessary directions for refunding of these amounts to the petitioners, if deducted from their salaries, within four weeks of the date on which such deduction is made.

(iv) In case it is found that the petitioners are governed by the Old Pension Scheme, necessary directions shall be issued by respondent No.2 to open G.P.F. accounts in the names of the petitioners, within a period of four weeks of such date on which their eligibility is determined, if such accounts are not already opened.

(v) The petitioners shall appear before respondent No.2 - the Education Officer (Secondary), Zilla Parishad, Nagpur on 03/11/2025.

6. Rule is made absolute in the aforesaid terms. No order as to costs.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)

Vijaykumar