



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

WRIT PETITION NO.3308 OF 2025

Shri Dnyanesh Kuwardas Meshram
Aged – 59 years, Occupation – Retired,
R/o. At Post – Thanegaon,
Tahsil – Tirora, District Gondia

...PETITIONER

VERSUS

1. Accountant General,
Indian Audit and Accounts
Department, Pension Wing,
Civil Lines, Nagpur
2. Deputy Director of Education,
Nagpur Division, Nagpur
3. The Education Officer (Sec.),
Zilla Parishad, Gondia
4. Siddarth Highschool, Thanegaon,
Tahsil – Tirora, District Gondia,
through its Headmaster.

...RESPONDENTS

Mr. PN. Shende, Advocate for the petitioner.
Mr. A.V. Palshikar, AGP for respondent Nos.1 to 3/State.

CORAM : SMT. M.S. JAWALKAR AND RAJ D. WAKODE, JJ.
DATED : SEPTEMBER 25, 2025.

ORAL JUDGMENT (Per : Raj D. Wakode, J.) :

RULE. Rule made returnable forthwith. Heard finally with
the consent of learned Counsel for both the parties.

2. Though respondent No.4 is served nobody appears.

3. The petitioner claims to be appointed as an Assistant Teacher in respondent No.4 – School on 26/12/2003 i.e. prior to cut-off date 01/11/2005. Respondent No.4 – School was receiving grant-in-aid from the State exchequer from 01/06/1996. In that backdrop the petitioner seeks challenge to the impugned order dated 06/12/2024 issued by respondent No.3 which requires appointment of the petitioner on an aided post prior to the cut-off date which is 01/11/2005. Since the petitioner was being deprived of applicability of the old pension scheme, he has filed the present writ petition seeking a declaration as regards his entitlement to such benefit.

4. On 03/07/2025 notices were issued to the respondents.

5. Learned Counsel for the petitioner 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. with connected writ petitions) decided 11/04/2022***. It has been held therein after referring to earlier decisions of this Court that if an employee had been appointed prior to 01/11/2005 on an unaided post but the school has been receiving 100% grant-in-aid prior to 01/11/2005, such employee would be entitled to get the benefit of the old pension scheme as per Government Resolution dated 19/07/2011.

Thereafter directions were issued to examine the case of each petitioner therein and apply benefit of the old pension scheme if found entitled.

6. After hearing learned Counsel for both the parties, we find that a similar exercise of examining the case of the petitioner for entitlement under the old pension scheme can be issued. Hence for reasons contained in the decision in Smt. Manasi Sudhir Mane (supra) the following order is passed :

(i) The writ petition is allowed.

(ii) The impugned order dated 06/12/2024 issued by respondent No.3 – the Education Officer (Secondary), Zilla Parishad, Gondia is hereby quashed and set aside.

(iii) Respondent No.3 – the Education Officer (Secondary), Z.P., Gondia is directed to decide the case of the petitioner regarding applicability of the old pension scheme as per Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Computation of Pension) Rules, 1984 and General Provident Fund Scheme by keeping in view the law laid down by this Court in its various judgments including the judgment in Smt. Manasi Sudhir Mane (supra).

(iv) If it is so found by the Education Officer (Secondary) that the petitioner is governed by the old pension scheme, the Education Officer (Secondary) shall issue necessary directions to not deduct any amount from the salary payable to the petitioner 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 petitioner if deducted from his salary within four weeks of the date of which such deduction is made.

(v) In case it is found that the petitioner is governed by the old pension scheme, necessary directions shall be issued by the Education Officer (Secondary) to open GPF account in the name of the petitioner within a period of four weeks of such date on which his eligibility is determined if such account is not already opened.

(vi) The petitioner shall appear before the Education Officer (Secondary), Zilla Parishad, Gondia on 06/10/2025.

7. Rule made absolute in the aforesaid terms. No costs.

(RAJ D. WAKODE, J.)

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