



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

WRIT PETITION NO. 6853 OF 2024

(Ishwar Shankar Randaye

Vs.

The State of Maharashtra, Thr. its Secretary of Higher and Technical
Education Department, Mantralaya, Mumbai & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Shaad Mirza, Advocate for the Petitioner.
Mr. Sachin Narale, AGP for the Respondent Nos. 1 & 2/State.

CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATED : 4th MARCH, 2025

1. Heard Ms. Mirza, learned Counsel for the
Petitioner and Mr. Narale, learned AGP for the Respondent
Nos. 1 and 2/State.

2. Ms. Mirza, learned Counsel for the Petitioner, at
the outset seeks leave to add the Accountant General for the
State of Maharashtra as party Respondent No.5 and the
Treasury Officer as party Respondent No.6.

3. Leave is granted. Addition be carried out
forthwith.

4. Mr. Narale, learned AGP waives notice for the
added Respondent Nos.5 and 6/State.

5. The Respondent Nos.3 and 4 are served, however, none appears. Considering the limited nature of controversy, we are deciding the matter finally.

6. On 23.01.2025, we have recorded the following position:

“The approval to the pension proposal of the petitioner has been rejected on the ground that the petitioner was not having NET/CET qualification on the date of his appointment as is reflected from communication dated 17.8.2023 (page 44). The learned Counsel for the petitioner invites our attention to the communication dated 5 11.2008 issued by the University Grant Commission, which indicate exemption from NET to the candidates indicated therein, which includes the name of the petitioner at Sr. No.589 (page 28). This would prima facie show that the reason for rejection of the pension proposal of the petitioner, is not justified.

Learned AGP, however, seeks time to file his submissions, considering which list the matter on 30.1.2025, by which time the learned AGP shall place his reply on record. In case, reply is not placed, the matter shall be decided on its own merit.”

7. Since it is not disputed, that the University Grants Commission by the communication dated 05.11.2008 (page 27) has granted exemption to the Petitioner, whose name figures at Sr.No. 589 in the said communication, the reason for rejection of the claim of the Petitioner for pensionary benefits, consequent to his superannuation, on which ground the impugned order dated 17.08.2023 (page 42) has been passed, is clearly rendered *non-est*. We, therefore, quash and set aside the impugned order dated 17.08.2023 passed by the Respondent No.2 and direct the Respondent Nos.3 and 4 to prepare the pension proposal of the Petitioner and submit the same to the Respondent No.2,

within a period of two weeks from today, who shall upon receipt of the same, process it further by taking to its logical end and ensure that the pension and all consequential benefits shall be granted to the Petitioner, within a period of eight weeks thereafter, if the requirement of law in that regard stands satisfied.

8. The Petition is accordingly **allowed** in the above terms. No costs.

9. Pending application/s, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)