



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

**WRIT PETITION NO. 1256 OF 2025**

Ku. Sunita Manikrao Banne (Sunita w/o. Sunil Kalle)

**Vs.**

The State of Maharashtra, through its Secretary, School Sports and Education Department,  
Mumbai & Ors.

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

Court's or Judge's orders.

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Mr. N.Z. Mirza, Advocate for the Petitioner.

Ms. Mayuri Deshmukh, AGP for Respondent Nos.1 to 4.

**CORAM : NITIN W. SAMBRE AND M. M. NERLIKAR, JJ.**

**DATE : 11<sup>th</sup> JULY, 2025.**

**P.C.**

Heard the respective counsels appearing for the parties.

2. The petitioner came to be appointed on 5<sup>th</sup> July, 1991 as an Assistant Teacher and her services were approved by the Education Authorities.

3. The petitioner stood superannuated on 31<sup>st</sup> May, 2022. Post-superannuation, the petitioner was entitled for pension and accordingly a proposal was submitted. The said proposal was returned by the respondent No.4 – Accounts Officer seeking certain clarification. The Education Officer *vide* his communication dated 13<sup>th</sup> June, 2022 has informed the Deputy Director of Education that the petitioner's proposal for grant of pension cannot be withheld as there is no embargo in any of the Policy or Statute. In spite of above, the claim of the petitioner for grant of terminal benefits is not processed and, as such, this petition.

4. The learned counsel for the petitioner would claim that once the petitioner has superannuated from the post even if the appointment was from a reserved category and the Caste/Tribe claim is negated, he is entitled for the pensionary benefit in absence of any statutory provisions or policy invoked to that effect.

5. As against above, the learned Assistant Government Pleader states that the petitioner is not entitled for the benefit in terms of the Policy reflected in the Government Resolution dated 14<sup>th</sup> December, 2022 as the petitioner's services, in view of rejection of Tribe claim, are required to be placed on supernumerary post.

6. We have considered the submissions.

7. The fact remains that post-rejection of the validity, it is not that the petitioner's services were taken on supernumerary post. The petitioner continued to draw his salary as a regular teacher from the establishment of the respondent No.5 – College and such salary was drawn from the Public Exchequer.

8. If the petitioner's services were never placed on supernumerary post, the provisions of the Government Resolution dated 14<sup>th</sup> December, 2022 will not be attracted. The said Government Resolution, in categorical terms, deals with the eventuality where the services of an employee for want of validity certificate are taken on supernumerary post.

9. In such an eventuality, the stand taken by the respondents that the petitioner is not entitled for the benefits cannot be accepted. There is other facet to the matter viz. the respondent No.3 – Education Officer has specifically informed the

Deputy Director of Education that there is no embargo either statutory or otherwise in the matter of releasing terminal benefits in favour of the petitioner. In such an eventuality, we hardly see any embargo to reject the prayer of the petitioner.

10. That being so, we deem it appropriate to allow the present writ petition.

11. Even otherwise, the Government Resolution dated 14<sup>th</sup> December, 2022 is not placing any embargo on the right of the petitioner to claim the benefits post his retirement.

12. As such, we direct the respondent No.5 - employer to submit a proposal to the respondent No.2 - Deputy Director of Education, Amravati, for release of terminal benefits, within a period of four weeks from the date of production of this order.

13. Once such a proposal, complete in all respects, is received by the respondent No.2, same shall be submitted to the respondent No.4 within a period of two weeks thereafter.

14. The respondent No.4 thereafter within four weeks shall ensure that the terminal benefits are released in favour of the petitioner.

15. The writ petition is allowed in above terms. No order as to costs.

**(M. M. NERLIKAR, J.)**

**(NITIN W. SAMBRE, J.)**

Vijaykumar