



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**52 WRIT PETITION NO.2865 OF 2026**

Kausar Taema Syed Samiullah Quadri  
**VERSUS**  
The State Of Maharashtra Through The Secretary

...  
Mr. T. M. Venjane, Advocate for the Petitioner.  
Mr. S. B. Pulkundwar, AGP for Respondents/State.  
Mr. Sayyed Umair Pasha A. Quader, Advocate for Respondent Nos.5 and 6.  
...

**CORAM : SMT. VIBHA KANKANWADI &  
AJIT B. KADETHANKAR, JJ.**

**DATE : 20 APRIL 2026**

**ORDER :**

. Present petition has been filed for following reliefs :-

“B) Be pleased to hold and declare that, the petitioner is entitled to benefit of pension scheme prevailing prior to 01.11.2005 (Old Pension Scheme).

C) By issuing writ of mandamus of any other appropriate writ in the like nature, be pleased directed the respondents to sanction and release pensionary benefits to the petitioner at the earliest and preferably within a period of one month from passing order by this Hon’ble Court.”

2. Heard learned Advocate for the petitioner and perused the documents on record. When it was found that there is no salary slip

showing that the petitioner was ever considered under the New Pension Scheme and still when prayer clause 'B' has been made, we were about to give directions to the petitioner to file the salary slip, however, learned Advocate Mr. Sayyed submits that he has instructions to appear for respondent Nos.5 and 6. He places on record the photocopy of the letters dated 08-11.02.2026 and 10.03.2026, which is taken on record by marking as Exhibit-'X', wherein it can be seen that respondent Nos.5 and 6 have forwarded the pension proposal of the petitioner to the Education Officer (Secondary), Zilla Parishad, Jalna.

3. Upon query, learned Advocate for respondent Nos.5 and 6 submits that the said proposal is as per the Old Pension Scheme.

4. Learned AGP waiving notice for respondent Nos.1 to 4 disputes that it is as per the Old Pension Scheme.

5. Here, we are not deciding at this stage as to whether it should be as per the Old Pension Scheme or in some different scheme, but the fact remains is that the proposal was submitted on 08-11.02.2026. It should have been then taken up for consideration as per the law and the procedure by respondent Nos.1 to 4. Learned AGP, upon instructions from respondent Nos.1 to 4, submits that within a period of two weeks the further procedure would be adopted.

6. We dispose of the writ petition by directing respondent No.4 to decide the said proposal within a period of two weeks and inform the same to the petitioner within period of one week thereafter. Petitioner would then be at liberty to challenge the said order, if it goes against her. However, respondent No.4 shall not reject the same for want of any document. If any document is found to be short, then the opportunity shall be given by him to respondent Nos.5 and 6 as well as the petitioner, as the case may be.

**[ AJIT B. KADETHANKAR ]**  
**JUDGE**

**[ SMT. VIBHA KANKANWADI ]**  
**JUDGE**

scm