

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 481 OF 2026

Sandeep Balavant Padalkar & Ors.

... Petitioners

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. Balaji Shinde a/w. Mr. Abhay A. Jadhavar for the Petitioners.

Mr. V.M. Mali, A.G.P. for the Respondent-State.

Ms. Indrayani Patil i/b. Mr. Kedar Lad for the Respondent Nos.4 & 5.

Mr. Pankaj Deokar for the Respondent No.7.

Coram : R.G. AVACHAT &
AJIT B. KADETHANKAR, JJ.

Date : 16th February 2026.

PER COURT :

1. The Petitioners, 145 in number, working with Zilla Parishad(s) Kolhapur, Sangli, Solapur and Ratnagiri have made the following prayer :

“B) This Hon’ble Court, by issuing appropriate writ of mandamus or any other writ, order or direction in the nature of writ, please to hold that, the petitioners recruitment was commenced before 01.11.2005 therefore entitled for Old Pension Scheme (OPS) and Maharashtra Civil Services (Pension) Rules 1982 are

applicable to the petitioners and consequently direct the respondents to take all necessary steps to grant Old Pension Scheme to the petitioners as per Government Notification / G.R. dated 31.10.2005 and for that purpose issue necessary orders.”

2. Mr. Shinde, learned counsel for the Petitioners relies on the Order dated 6th February 2026 passed by this Court (Principal Seat) in Writ Petition No. 1241 of 2026. The paragraph Nos.2 & 3 of the said Order read as under :

- “2. For considering the above prayer, there will have to be a fact finding inquiry as regards the relevant details of the Petitioners’ Recruitment and as to whether it was prior to 31st October 2005 or post 1st November 2005, as their entitlement for the type of pension would depend on these factors.*
- 3. This Writ Petition is, therefore, disposed off, directing Respondent No. 3 Chief Executive Officer to examine the cases of each of these Petitioners in the light of the law laid down by this Court after verifying whether the appointment/recruitment process was before 1st November 2005. In case the Chief Executive Officer comes to the conclusion that the Petitioners are entitled to the old Pension Scheme, he shall proceed to communicate the same to the Petitioners. In case any individual Petitioner is not entitled to the benefit of the old scheme, he shall pass a speaking order and communicate the same to such individual Petitioner.”*

3. In view thereof, the present Petition stands disposed of in the aforesaid terms. The Respondent(s) – Chief Executive Officer of the respective Zilla Parishad shall examine the case of each Petitioner in light of the law laid down by this Court, after verifying whether the appointment/recruitment process was initiated prior to 1st November 2005 for appointment in fully aided schools. If found entitled, the benefit of the Old Pension Scheme shall be granted and communicated to the concerned Petitioner. If any Petitioner is found not entitled, a reasoned and speaking order shall be passed and communicated to such Petitioner.

4. Ms. Patil, learned counsel holding for Mr. Lad, for the Respondent Nos.4 & 5–Zilla Parishad, seeks time of six months to complete the aforesaid exercise. Time of six months is granted to complete the same.

5. With the aforesaid directions, the Writ Petition stands disposed of.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT, J.]

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