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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1172 OF 2025

Parvaty Ravi ...Petitioner

Versus

The State of Maharashtra thr. Department of Education and Anr. ...Respondents

Mr. Mandar Soman, for Petitioner.
Ms. P. N. Diwan, AGP for the State.

CORAM: G. S. KULKARNI &
Dr.NEELA GOKHALE, JJ.

DATE: 06 October 2026.

P.C.

1. We have heard Mr. Soman, learned Counsel for the petitioner and learned AGP for the State.

2. This petition under Article 226 of the Constitution is filed praying for the following substantive reliefs:

> "a) That this Hon'ble Court may be pleased to issue any appropriate writ, order/direction to quash and set aside the Communication no. 2021/23 dated 20.01.2021 of Deputy Director of Education, Mumbai Division, Mumbai and further allow the proposal no. 1061 sent by the Educational Inspector, South Zone, Mumbai Central Mumbai-400008, dated 20.03.2014;
>
> (b) that this Hon'ble Court further pleased to allow the Communication dated 15.04.2013 of Educational Inspector, South Zone, Mumbai Central Mumbai-400008; and further directions to the Respondents to forthwith release pension benefits to the Petitioner as per the proposal dated 20.03.2014 sent by the Educational Inspector, South Zone, Mumbai Central Mumbai-400008;
>
> (c) this Hon'ble Court may be pleased to issue any appropriate writ, order /direction to the Respondents to consider the service period of from 13.06.1980 to 30.04.20023 **(sic. 30.04.2003)** for commutation of pension;
>
> (d) That this Hon'ble Court may be pleased to issue any appropriate writ, order/direction directing the Respondents to release arrears of the pension and its benefits with interest as this Hon'ble Court may deem fit;

3. The issue which has arisen for consideration in the present proceedings pertains to the applicability of Rule 110(3) of the Maharashtra Civil Services (Pension) Rules, 1982 (for short, "**the Pension Rules**"). On the earlier occasion, i.e. on 18 August 2026, the Court, after hearing the learned Counsel for the parties, had passed the following order::-

> "1. We have heard learned counsel for the parties.
>
> "2. The case of the Petitioner is that pension has been denied to her by the impugned communication dated 20th January 2021 (Exhibit 'G', Page 27). Our attention is drawn to Rule 110(3) of the Maharashtra Civil Services (Pension) Rules, 1982 ('the Pension Rules'), which provides that, in calculating the length of qualifying service, a fraction of a year equal to three months or more shall be treated as a completed one-half year (six months) and reckoned as qualifying service. It appears from the record, including the reading of the reply affidavit, that this aspect has not been taken into consideration.
>
> 3. We, therefore, direct the concerned officer to consider the applicability of the said Rule and, after due consideration of the same, place on record the appropriate decision taken in that regard by filing an affidavit.
>
> 4. was As this is the only issue and, prima-facie, we being satisfied that the Petitioner was falling short of only one month in regard to which also an extension granted by communication dated 15th April 2013 for the pensionable qualifying service, the issue in regard to the applicability of Rule 110(3) of the Pension Rules would be required to be taken into consideration.
>
> 5. List the matter on 25th August 2026(F.O.B.).
>
> 6. Parties to act on an authenticated copy of this order."

4. In pursuance of the said order, the State Government is stated to have taken a decision that the shortfall of one month of service can now be taken into consideration for pensionable qualifying service in terms of the applicability of Rule 110(3) of the Pension Rules. It is thus an undisputed position that the Petitioner is entitled to pension. The question now is of the arrears of pension payable to the petitioner. Mr. Soman would submit that the period from the date

of retirement is a long period and the entitlement to interest to be paid on the arrears payable to the petitioners ought to have been recognised at the date of the petitioner's retirement, however, the same is being recognised by the Respondents from the period after this Court passed an order for payment of pension.

5. In our opinion, the contention as urged on behalf of Mr. Soman is legitimate. and needs to be accepted. The arrears payable to the petitioner are required to be paid with an appropriate rate of interest. We accordingly dispose of the petition, observing that the dispute in regard to the calculation of qualifying service has stood resolved, and that, the petitioner has become entitled to pension on the basis of her eligible service. The arrears of pension which shall be payable from the date of her retirement, shall be calculated and paid to the petitioner within a period of three weeks from today, with interest at the rate of 8% p.a..

6. The petition stands partly allowed in the aforesaid terms. No costs.

(Dr.NEELA GOKHALE, J.) (G. S. KULKARNI, J.)