



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3721/2025

1. Purushottam Janiram Wadde,
Aged- 58 Years, Occu-Nil,
R/o. Gaddapalli, Post-Kasansur,
Tah- Etapalli, Dist- Gadchiroli.

... **PETITIONER**

...VERSUS...

1. State of Maharashtra,
through its Secretary, Department
of Rural Development, Mantralaya,
Mumbai-32.
2. Zilla Parishad, Gadchiroli,
through its Chief Executive Officer.

...**RESPONDENTS**

Mr. P. N. Shende, Advocate for petitioner
Ms. H. N. Jaipurkar, AGP for respondent no.1/State
Mr. A. W. Paunikar, Advocate for respondent no. 2

CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.

RESERVED ON : 22nd JANUARY, 2026.
PRONOUNCED ON : 11TH FEBRUARY, 2026.

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

1. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the parties.
2. Petitioner prays for a direction to the Respondent No. 2, herein i.e. the Chief Executive Officer, Zilla Parishad, Gadchiroli, to forthwith release the regular pension and other pensionary benefits in favour of the petitioner as per the existing pay scale from the date of his voluntary retirement, i.e. 01.06.2020 and to continue the same in future.
3. The facts, which are more or less undisputed and as are emerging from the petition, are as under:-
4. On 29.12.1992, since the D.Ed. holder candidates were not available from the reserved category, therefore the appointment of the petitioner was made by following due process of law, as an untrained primary teacher through the Staff Selection Commission. By efflux of time and due to the excellent service record of the petitioner, he was made permanent and the same was reflected in

the service record of the petitioner. On 29.5.2020, the respondent no. 2 terminated the services of the petitioner since he had not completed the D.Ed. course within the prescribed period. Thereafter, on 24.6.2025, he made a representation to the respondent no. 2 that since he has completed 28 years of service, he is entitled for pension as per the provisions of Maharashtra Civil Services (Pension) Rules, 1982, and more particularly Rule 30 thereof. It is further the contention of the petitioner that there is no decision on the said representation till date.

5. We have heard Mr. P. N. Shende, learned counsel for the petitioner as also Ms. H. N. Jaipurkar, learned AGP for the respondent no.1/State and Mr. A.W. Paunikar, learned counsel for the respondent no. 2.

6. The learned counsel for the petitioner while reiterating the contentions made in the petition submits that even though the petitioner was terminated on 29.5.2020, there is no misconduct alleged against him and the only ground for terminating him is his permission to complete the D.Ed course. He places reliance on the judgment of Aurangabad bench of this Court in Writ Petition No.

6143 of 2016 with companion writ petitions, wherein this Court after analysing the law in that regard, came to the conclusion that the Pension Rules, if read in their entirety, nowhere stipulates that if a person is appointed on substantive post by following due selection process and completes 10 years or more service till the date of his superannuation and against whom no departmental or judicial proceedings are pending, he is dis-entitled for pension on the ground that on the date of appointment and on attaining age of superannuation was untrained. He also places reliance on the judgment of this Court in Writ Petition No. 3945 of 2024 in support of the said submissions.

7. Per contra, learned counsel for the respondent no. 2 while opposing the said contentions advanced submits that in the matters before Aurangabad bench, petitioners got retired due to attaining the age of superannuation. He submits that however in the present case, the concerned employee, that is the petitioner, is terminated. It is therefore his submission that the both cases cannot be equated and therefore prays for rejection of the petition.

8. We have considered the contentions canvassed by the learned counsels for the respective parties and also gone through the record. As can be seen from the order of termination, it is the only ground which is raised therein is that a permission to complete the D.Ed. examination. It is however an admitted fact on the record that petitioner before his termination has rendered 28 years of uninterrupted service.

9. A coordinate Bench of this Court had an occasion to deal with the identical situation in Writ Petition No. 3945 of 2024. In the said matter by relying on the judgment in **Writ Petition No. 2035 of 2022 (*Smt. Anjali Wd/o. Madhukar Kando and another vs. State of Maharashtra and another*)** and more particularly Para 5 thereof, the Bench went on to direct the respondents to release the family pension. Para 5 of the judgment of ***Smt. Anjali Wd/o. Madhukar Kando and another vs. State of Maharashtra and another*** referred Supra is reproduced here under:-

“5. According to the petitioner, the deceased husband of the petitioner 1 was recruited by due process of law. By now, it appears to be common ground that the services of the

deceased husband of the petitioner 1 are terminated vide order dated 27.05.2020 on the premise that he did not acquire the D.Ed. qualification. Be that as it may, the refusal of the Zilla Parishad to release the pensionary benefits in favour of the petitioners on the premise that the deceased husband of petitioner 1 did not acquire the D.Ed. training qualification and was terminated from service, appears to be absolutely untenable in law. The learned counsel Ms. Munshi fairly does not dispute that the Co-ordinate Benches have already taken a view that if qualifying service is complete, pension cannot be denied on the premise that the employee was working as an Untrained Teacher.”

10. It is also a matter of record that admittedly no misconduct is attributed to the petitioner and only because he was untrained cannot be a reason to completely ignore the long service which he has rendered.

11. Thus in view of the considered opinion that termination of the petitioner on the ground of not having completed D.Ed. qualification cannot be held an impediment to release his

pensionary benefits and more particularly looking at the long length of service which the petitioner has rendered with the respondent no. 2. Accordingly, we proceed to pass the following order:-

ORDER

- i) Writ Petition is allowed.
- ii) It is directed that the respondent no. 2, Chief Executive Officer, Zilla Parishad, Gadchiroli should release the regular pension and other pensionary benefits in favour of the petitioner as per the existing pay scale from the date of his termination i.e. 01.06.2020 and to pay the regular pension to him in future.
- iii) Rule is made absolute in above terms, Writ Petition is disposed of.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)

Shubham