



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

WRIT PETITION NO. 4625 OF 2025

PETITIONER:

Suresh Ragho Zade, Age 59 years,
Occu.: Retired Teacher, R/o. C/o.
Ghot, Tal. Chamorshi, Dist.Gadchiroli.

-Versus-

RESPONDENTS:

1. The State of Maharashtra, through its
Secretary, School Education
Department, Mantralaya, Mumbai 32.
2. The Education Officer (Primary), Zilla
Parishad, Gadchiroli.

Mr. P. S. Kshirsagar, Adv. for the petitioner.
Ms H. N. Jaipurkar, AGP for the respondent No.1.
Mr. A. W. Paunikar, Adv.for the respondent No.2.

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

DATE ON RESERVING THE JUDGMENT : 28.01.2026.
DATE ON PRONOUNCING THE JUDGMENT : 02.02.2026.

JUDGMENT : (Per – Smt. M.S.Jawalkar, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with
the consent of the learned counsel for the parties.
3. The present petition is filed seeking direction to the
respondent No.2-Education Officer (Primary), Zilla Parishad
Gadchiroli to forward the proposal of the petitioner for grant of

pension and all other pensionary benefits, considering his 33 years of service as an untrained teacher.

4. The petitioner was appointed in service on 30/11/1992 as untrained teacher. The Education Officer (Primary), Zilla Parishad Gadchiroli has given approval by various orders. Accordingly, the petitioner was continuously in service till his retirement on 31/05/2025. After his retirement, the proposal for the pension was submitted in the office of the Education Officer (Primary), Zilla Parishad Gadchiroli through Block Education Officer, Chamorshi on 01/05/2025. However, the Education Officer (Primary), Zilla Parishad Gadchiroli vide its communication dated 16/06/2023 the proposal for grant of permanency was returned as the petitioner had not acquired D.Ed. qualification. It is contention of the petitioner that there are various judgments of this Court wherein it is held that untrained teacher if retired from service is entitled for the pension according to the salary of untrained teacher.

5. The learned counsel for the petitioner placed reliance on judgments in **Writ Petition No.5110 of 2012 (Smt.Gokula Vilas Patil v. The Education Officer (Primary), Pay and Provident Fund Unit, Zilla Parishad, Sangli and others)**, **Writ Petition No.10467 of 2021, (Asaram Yesuji Ghogare v. The State of Maharashtra and others)**, **Writ**

Petition No.4846 of 2024 (Manikrao Fulsing Kodape v. State of Maharashtra and another) and **Writ Petition No.7909 of 2023 (Jivan Chaituji Pada and others v. State of Maharashtra and others)**, wherein a common proposition of law emerges in the above citations that the petitioners who have completed more than 30 years of service and honourably retired on attaining the age of superannuation, they were treated as regular employees, were paid the regular salary, their appointments are approved as per their qualifications. No rule exists in the Pension Rules that would deny the petitioners' right to claim pension. The posts these petitioners were holding, were never declared to be non-pensionable or that the posts created by it shall not be qualifying service for pension. In absence of any Rules, denying the right to get pension to the petitioners will not be permissible. In the above judgment, this Court held that the petitioner is entitled for pension and pensionary benefits and the respondents were directed to consider the case for grant of such benefits by treating the petitioner to be a deemed trained teacher.

6. In **Manikrao Fulsing Kodape v. State of Maharashtra and another** (*supra*), this Court relied on the judgment in **Writ Petition No.2035 of 2022, (Smt.Anjali wd/o Madhukar Kando and another v. State of Maharashtra and another)**. What is held in **Smt.Anjali wd/o**

Madhukar Kando and another v. State of Maharashtra and another (*supra*), though the petitioner was terminated on account of not acquiring the requisite qualification of D.Ed., he could be considered as an untrained teacher. If he has completed qualifying service, pension cannot be denied on the premise that the employee was working as an untrained teacher. Similar view is also taken in **Jivan Chaituji Pada and others v. State of Maharashtra and others** (*supra*).

7. In view of the settled position of law, the petitioner is entitled for the pension and pensionary benefits as per his last salary drawn as of untrained teacher. Accordingly we proceed to pass the following order.

ORDER

- (i) The petition is allowed.
- (ii) The respondent No.2-Education Officer (Primary), Zilla Parishad Gadchiroli is hereby directed to send the proposal of the petitioner to the concerned office for grant of pension and all other pensionary benefits considering her 33 years of service as an untrained teacher.
- (iii) The exercise of sending the proposal shall be completed within a period of three months from the production of the

order of this Court. The petitioner to produce the copy of this order before the respondent No.2-Education Officer (Primary), Zilla Parishad Gadchiroli.

8. Rule is made absolute in the above terms. No costs.

(NANDESH S. DESHPANDE, J.)

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

KHUNTE