



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

WRIT PETITION NO.643 OF 2026

**[Dr. Pravina Shirish Nagpurkar ..Vs.. The State of Maharashtra and
Others]**

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri. C. B. Pawar, Adv. h/f Shri. P. S. Kshirsagar, Advocate for Petitioner.
Shri. P. P. Pendke, AGP for Respondents/State.

**CORAM : ANIL S. KILOR AND
RAJ D. WAKODE, JJ.**

DATE : 23rd JANUARY, 2026.

. Heard Shri. C. B. Pawar holding for Shri. P. S. Kshirsagar, learned counsel for the petitioner.

2. The petitioner has approached this Court seeking challenge to the impugned communication dated 22nd May, 2024, issued by respondent No.3 – the Joint Director, Higher Education, Nagpur Division, Nagpur.

3. By way of the aforesaid impugned communication, the respondent No.3 has refused to allow the proposal submitted by respondent No.4 – the Principal, Mahila Mahavidyalaya, Nagpur, for extending the benefit of the old pension scheme to the petitioner.

4. The sole reason on which the aforesaid proposal has been rejected, by way of the impugned communication, is that the provisions of the Maharashtra Civil Services (Pension) Rules, 1982 (for short, “the MCSR, 1982”) are applicable only to the Government servants and not to employees of Private Aided Colleges and, therefore, the

petitioner, being an employee of a Private Aided College, is not entitled to the benefit of the old pension scheme.

5. A perusal of the impugned communication dated 22nd May, 2024, reveals that the aforesaid view adopted by respondent No.3 is unsustainable in the eyes of law. The aforesaid reason given by respondent No.3 that the employees of the Private Aided Colleges will not be entitled to the benefit of the old pension scheme under the provisions of the MCSR, 1982, is erroneous, as the said issue is already decided by this Court *vide* its judgment dated 13th August, 2025, passed in Writ Petition No.669 of 2024, wherein this Court has held as thus:

“We have heard learned counsel for the parties and considered the documents placed on record. It is clear from the Government Resolution dated 31/10/2005 that same would be applicable to the employees who are recruited on or after 01/11/2005 in the service of the Recognized and Aided Educational Institutions, Non-Agricultural Universities and Affiliated Non-Governmental Colleges and Agricultural Universities, etc. Hence, considering the policy framed by the State Government, it is clear that the same was made applicable to the employees of Non-Agricultural Universities. Therefore, objection raised by Respondent is not sustainable in the eyes of law.”

6. In view of the above, the impugned communication dated 22nd May, 2024, issued by respondent No.3, is erroneous and unsustainable in the eyes of law and is accordingly quashed and set aside. Respondent No.3 is directed to reconsider the proposal submitted by respondent No.4–College pertaining to the pensionary benefits, specifically for granting the benefit of the old pension scheme

to the petitioner, afresh within a period of eight weeks from the date of receipt of this order. The decision taken thereupon shall be communicated to the petitioner so also to the respondent No.4, within a period of two weeks from the date of such decision.

7. The writ petition is, accordingly, disposed of.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)