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

WRIT PETITION NO.1510 OF 2026

MONA GAJANAN KOLHE W/O NAVEEN CHANDRA AND OTHERS
VS
BANK OF INDIA, THR. CHAIRMAN AND MANAGING DIRECTOR, MUMBAI
AND ANOTHER

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

Court's or Judge's orders

Mr. Amit Khare, Advocate for the petitioner/s

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

DATE : 17.02.2026

1. Heard the learned counsel for the petitioners.
2. The petitioners, who are the employees of the respondent-Bank have approached this Court seeking declaration that the petitioners are entitled for old pension scheme and a direction to the respondents to give aforesaid benefits to the petitioners.
3. The contention is that, once the service rule of the recruitment process at the time of the recruitment of the petitioners provides such benefits of the old pension scheme, the same should not have been changed in the midst of the recruitment process.
4. Perusal of the petition, reveals that the petitioner has raised detailed grievance before respondent-Bank, seeking such relief vide representations, which are collectively annexed at record page 119 (Annexure-VI).
5. The learned counsel for the petitioners submits that

the respondent-Bank has not yet decided such representations and the entitlement of the petitioner for the relief of the old pension scheme.

6. The learned counsel for the petitioners also invites our attention to the judgment of the Hon'ble Supreme Court of India in the case of *Tej Prakash Pathak ...v... High Court of Rajasthan*, reported in (2025) 2 SCC 1, wherein the Hon'ble Supreme Court of India has held that the change of rules midway to the recruitment process or after recruitment process is predicated on the rule against arbitrariness mentioned in the *Article* 14 of the Constitution of India.

7. In view of the above, we direct the respondent No.1 -Bank of India Mumbai to decide the aforesaid representation/s made by the petitioners at page 119, in accordance with law.

8. Respondent No.1 is further directed to decide the aforesaid representation/s after duly considering the grounds raised in the present writ petition, as well as the law laid down by the Hon'ble Supreme Court of India in *Tej Prakash Pathak* (supra), within a period of eight weeks from the date of receipt of this order. While doing so, Respondent No.1 shall grant an opportunity of hearing to the petitioners, if deemed necessary.

9. The learned counsel for the petitioner/s undertakes to furnish copy of this order along with copy of the petition

to the respondent No.1 within one week from today.

10. The decision so taken shall be communicated to the petitioners within a period of two weeks from the date of such decision. It is needless to mention that, if aggrieved by the said decision, the petitioners shall be at liberty to approach this Court in accordance with law.

11. Accordingly, the writ petition is **disposed of** in the above terms. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)