



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

CIVIL APPLICATION (CAO) NO. 274 OF 2026
IN
MISCELLANEOUS CIVIL APPLICATION (ST.) NO. 4835 OF 2026
IN
WRIT PETITION NO. 5317 OF 2021 (D)

The Education Officer (Primary),
Zilla Parishad, Nagpur.

.... APPLICANT
(Ori. Respondent No.2)

// VERSUS //

1) Smt. Maya Vikram Pingle, (Ori. Petitioner)
Aged about 60 years, Occu. Retired,
R/o 29, "Harivijay", Loksewa Nagar,
Mokhare College Road, Bhamti, Nagpur.

2) State of Maharashtra, (Ori. Res. No.1)
Through its Secretary,
Department of Education,
Mantralaya, Mumbai-32.

3) Bal Mandir Sanstha, Dharampeth, (Ori. Res. No.3)
Nagpur, C/o Paranjape School,
Dharampeth, Nagpur,
through its Secretary.

4) Lt. Colonel V.D. Paranjape Memorial (Ori. Res. No.4)
School, Dharampeth, Nagpur,
through its Headmistress.

.... RESPONDENTS

Mr. Shaikh Majid, Advocate for the Applicant.
Mr. A. M. Sudame, Advocate for the Respondent No.1.
Mr. H. D. Futane, AGP for the Respondent No.2.

**CORAM : MRS. M. S. JAWALKAR AND
N. S. DESHPANDE, JJ.**

DATE ON RESERVING THE JUDGMENT : 28.04.2026
DATE ON PRONOUNCING THE JUDGMENT : 05.05.2026

JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard learned Counsel Mr. Shaikh Majid for the Applicant, Mr. A. M. Sudame, learned Counsel for Respondent No.1 and Mr. H. D. Futane, learned Assistant Government Pleader for Respondent No.2. Matter is taken up for final hearing at the stage of admission by consent and request of the parties.

2. The Applicant (original Respondent No. 2), by this review petition is challenging the order passed by this court in Writ Petition No. 5317/2021, thereby granting the benefit of earlier service rendered by the Respondent No. 1 (original petitioner) on unaided basis for the period of 5/7/1991 to 10/7/1999 as also the pensionary and other benefits from her initial date of appointment i.e., 5/7/1991.

3. The Respondent No.1 (original petitioner) was appointed on 5 July 1991 as an extra Assistant Teacher in the

unaided, non-grant section of a primary school for a temporary period. At the time of appointment, she possessed B.A., B.Ed. qualifications but lacked the mandatory D.Ed. qualification required for primary teachers.

4. A proposal for approval of her appointment was rejected in 1996 on the ground of non-possession of D.Ed., and the respondent did not challenge this rejection. The Applicant (Original Respondent No. 2) contended that, in earlier proceedings, the respondent (original petitioner) had stated that she would not claim monetary benefits for the period prior to 1999.

5. The Respondent No.1 (original petitioner) acquired the requisite D.Ed. qualification on 23 September 1999; the school subsequently received grant-in-aid and became fully aided in 2004–05. Her appointment as a Graduate Teacher was later approved with effect from 1 January 2012.

6. By order dated 24th October, 2024 in Writ Petition No. 5317 of 2021, this Court granted notional approval to the

appointment of Respondent No.1 (original petitioner) as a trained Assistant Teacher from 5th July, 1991 for the purpose of pensionary benefits and senior/selection grade pay scales, with monetary benefits restricted to three years prior to filing of the petition.

7. The Applicant (Original Respondent No. 2) has sought review of the aforesaid order of this court, contending that under Rule 19 of the Maharashtra Employees of Private Schools Rules, 1981, only service in aided posts qualifies for pension, and therefore the respondent's service from 1991 to 1999 cannot be counted.

8. The learned Counsel for the applicant has relied on following citations in support of his claim:

- (i) **Deshmukh Dilipkumar Bhagwan and others v State of Maharashtra, (2019 (3) Mh. L.J 903);**
- (ii) **Vishnupant s/o Narayanrao Kashid & Anr. vs. State of Maharashtra & Anr. (Writ Petition No. 2465 of 2020; decided on 01/09/2023) and**
- (iii) **Dr. Annie John vs. State of Maharashtra (Writ Petition No. 4532 of 2017; decided on 25/08/2022).**

9. *Per contra*, The Respondent No.1 (original petitioner) submits that there is no dispute regarding her entitlement to pension, as she acquired the requisite D.Ed. qualification in 1999 and has completed sufficient qualifying service thereafter; hence, reliance on Rule 19 of the MEPS Rules, 1981 is misplaced and does not disentitle her from the benefits granted.

10. It is contended that, in view of Government Resolutions dated 11.11.2011 and 06.05.2014, the Respondent No.1 (original petitioner) is deemed to be a trained teacher with retrospective effect from her initial appointment in 1991, thereby entitling her to count her entire service for grant of senior and selection grade pay scales.

11. The Respondent No.1 (original petitioner) asserts that once the school received grant-in-aid and her services stood recognized, her past service cannot be excluded, and Rule 19 of the MEPS Rules 1981 cannot be interpreted in isolation to defeat her legitimate entitlements already adjudicated by the Court.

12. It is further submitted that the review application discloses no error apparent on the face of record and merely seeks re-argument on merits; hence, the same is liable to be dismissed as an abuse of the limited review jurisdiction.

13. Heard learned Counsel for the respective parties at length. Perused the record and proceedings and considered the citations relied on by the learned Counsel for the Applicant.

14. In the first place, there is a delay of more than 400 days in filing the review application, however, being the Judgment in Writ Petition No.5317/2021 is under review, we deem it appropriate to hear the application for review on its merit.

15. The grounds raised by the Applicant are already considered by this Court. It is vehemently submitted by the learned Counsel for the Applicant – Education Officer (Primary), that the Government Resolution dated 11.11.2011 cannot be made applicable to the appointment of 1991, as there is nothing in the said GR that it will retrospectively applicable.

16. The argument is absurd in view of the said GR itself that there is a specific procedure to be adopted is provided in the said GR in respect of the teachers possessing B.Ed. Qualification, who are appointed for the classes from 1st to 7th standard in the school. In case the graduate and B.Ed. Teachers not possessing D.Ed. qualification, and are appointed to any other post of primary teachers other than 25% post admissible for trained (B.Ed.) graduate teachers in the primary schools, such teachers shall be deemed to be trained teachers from the date of their appointment. The graduate B.Ed. teachers in the primary school, who is retired as an untrained teacher, shall be deemed to be trained teacher from the date of their appointment.

17. Thus, it can be seen that there is no question of any retrospective effect as the GR itself provides that such teachers holding B.A. B.Ed. qualification to be treated as trained teachers from the date of their appointment. So far as the Rule 19 of the MEPS Rules, 1981 is concerned, it is already held that at the time of retirement, the post, the teacher was holding must be

sanctioned post. As such, there is no substance in the ground raised in the application nor any error apparent on the face of the record is brought to our notice. In view of that, both the applications stand **dismissed**. No order as to costs.

(N. S. DESHPANDE, J.)

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

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