



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8548 OF 2022

Dattatrya Patingrao Borse,
Age 59 years, Occu. Retired Physical Instructor
R/o. Jalod Road, Amalner,
Tq. Amalner, District Jalgaon

... Petitioner.

Vs.

1. The State of Maharashtra,
Through its Secretary,
Department of School Education,
Mantralaya, Mumbai – 400 032.
2. The Deputy Director of Education,
Nasik Division, Nasik.
3. The Educational Officer (Secondary),
Zilla parishad, Jalgaon.
4. The Principal,
Vijay Nana Patil Army School and Jr. College,
Amalner, Tq. Amalner, Dist. Jalgaon.

...Respondents.

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WITH

WRIT PETITION NO. 200 OF 2019

Captain Raosaheb Dayaram Suryawanshi,
Age 58 years, Occu. Retired Physical Instructor
R/o. Vikas Colony, Phagne,
Taluka and District Dhule.

... Petitioner.

Vs.

1. The State of Maharashtra,
Through its Secretary,
Department of School Education,
Mantralaya, Mumbai – 400 032.

2. The Deputy Director of Education,
Nasik Division, Nasik.
3. The Educational Officer (Secondary),
Zilla Parishad, Jalgaon.

...Respondents.

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WITH

WRIT PETITION NO. 1194 OF 2023

Hemant s/o Baban Pawar
Age 43 years, Occu. Service as
Assistant Teacher (Jr. College)
presently working with Sun
Pharma Secondary & Higher
Secondary School Nagapur,
Tq. & Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Deputy Director of Education,
Pune Region, Pune, Dist. Pune.
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.
5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,

Gramin Vikas Mandal Nagapur,
Tq. & Dist. Ahmednagar.

7. The Headmaster
Sun Pharma Secondary & Higher
Secondary School, Nagapur,
Tq. & Dist. Ahmednagar.

...Respondents.

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WITH

WRIT PETITION NO. 9922 OF 2023

Sanjay s/o. Somnath Wale,
Age 49 years, Occu. Service as
Assistant Teacher presently working with
Chandaneshwar Secondary & Higher
Secondary School, Chandanapuri,
Tq. Sangamner, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Dy. Director of Education,
Pune Region, Pune.
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.
5. The Superintendent (Secondary),
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.

6. The President/Secretary,
Janata Shikshan Prasark Mandal
Chandanapuri, Tq. Sangamner,
Dist. Ahmednagar.
7. The Headmaster
Chandaneshwar Secondary &
Higher Secondary School, Chandanapuri,
Tq. Sangamner, Dist. Ahmednagar. **...Respondents.**

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WITH

WRIT PETITION NO. 9929 OF 2023

Ramnath s/o Bhausahab Varpe
Age 52 years, Occu. Service as
Assistant Teacher presently working with
Chandaneshwar Secondary & Higher
Secondary School, Chandanapuri,
Tq. Sangamner, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Dy. Director of Education,
Pune Region, Pune.
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.
5. The Superintendent (Secondary),
Pay and Provident Fund Unit

Education Department, Ahmednagar,
Dist. Ahmednagar.

6. The President/Secretary,
Janata Shikshan Prasark Mandal
Chandanapuri, Tq. Sangamner,
Dist. Ahmednagar.
7. The Headmaster
Chandaneshwar Secondary &
Higher Secondary School, Chandanapuri,
Tq. Sangamner, Dist. Ahmednagar.

...Respondents.

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WITH

WRIT PETITION NO. 9866 OF 2023

Shaikh Ayajahmed Kankarbhai
Age 47 years, Occu. Service as
Assistant Teacher presently working with
Shri Sangameshwar Madhyamik
Vidyalaya, Walunjpoi, Tq. Rahuri,
Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Dy. Director of Education,
Pune Region, Pune.
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.

5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Shri. Laxminarayan Pratishtan,
Shri. Shivajinagar, Tq. Rahuri,
Dist. Ahmednagar.
7. The Headmaster
Shri Sangameshwar Madhyamik Vidyalaya,
Walunjbhai, Tq. Rahuri, Dist. Ahmednagar.

...Respondents.

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WITH

WRIT PETITION NO. 9869 OF 2023

Somnath s/o Baban Kohakade
Age 52 years, Occu. Service as
Assistant Teacher presently working with
Shri Narayangiri Maharaj Vidyalaya,
Tq. Rahuri, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Dy. Director of Education,
Pune Region, Pune.
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,

Dist. Ahmednagar.

5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Shri. Laxminarayan Pratishtan,
Shri. Shivajinagar, Tq. Rahuri,
Dist. Ahmednagar.
7. The Headmaster
Shri. Narayangiri Maharaj Vidyalaya,
Malharwadim Tq. Rahuri, Dist. Ahmednagar. **...Respondents.**

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WITH

WRIT PETITION NO. 9897 OF 2023

Smt. Janhavi Vinod Gadge @
Janhavi Bhaskar Narsale,
Age 53 years, Occu. Service as
Assistant Teacher (Jr. College)
presently working with Sun Pharma Secondary
and Higher Secondary School Nagapur,
Tq. & Dist. Ahmednagar. **...Petitioner.**

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Deputy Director of Education,
Pune Region, Pune, Dist. Pune.

4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.
5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Gramin Vikas Mandal Nagapur,
Tq. & Dist. Ahmednagar.
7. The Headmaster
Sun Pharma Secondary & Higher
Secondary School, Nagapur,
Tq. & Dist. Ahmednagar.

...Respondents.

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WITH

WRIT PETITION NO. 9891 OF 2023

Smt. Asha Rambhau Gund @
Asha Shivaji Bhongal,
Age 51 years, Occu. Service as
Assistant Teacher (Jr. College)
presently working with Sun Pharma Secondary
and Higher Secondary School Nagapur,
Tq. & Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.

3. The Deputy Director of Education,
Pune Region, Pune, Dist. Pune.
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.
5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Gramin Vikas Mandal Nagapur,
Tq. & Dist. Ahmednagar.
7. The Headmaster
Sun Pharma Secondary & Higher
Secondary School, Nagapur,
Tq. & Dist. Ahmednagar.

...Respondents.

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WITH

WRIT PETITION NO. 9893 OF 2023

Satish s/o Kanakchand Bansode,
Age 57 years, Occu. Service as
Assistant Teacher (Jr. College)
presently working with Sun Pharma Secondary
and Higher Secondary School Nagapur,
Tq. & Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports

Department, Mantralaya,
Mumbai – 32.

3. The Deputy Director of Education,
Pune Region, Pune, Dist. Pune.
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.
5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Gramin Vikas Mandal Nagapur,
Tq. & Dist. Ahmednagar.
7. The Headmaster
Sun Pharma Secondary & Higher
Secondary School, Nagapur,
Tq. & Dist. Ahmednagar.

...Respondents.

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WITH

WRIT PETITION NO. 9777 OF 2023

Sampat s/o. Dagadu Thitame
Age 59 years, Occu. Retired,
R/o. Savargaontal, Tq. Sangamner,
Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports

Department, Mantralaya,
Mumbai – 32.

3. The Dy. Director of Education,
Pune Region, Pune, Dist. Pune.
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.
5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The Principal,
Chandaneshwar Secondary &
Higher Secondary School,
Chandanapuri, Tq. Sangmner,
Dist. Ahmednagar.

...Respondents.

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WITH

WRIT PETITION NO. 9873 OF 2023

Ravindra s/o Sitaram Jadhav,
Age 45 years, Occu. Service as
Assistant Teacher presently working
with Anandvan Vidyalaya,
Ghulewadi, Tq. Sangamner,
Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,

Mumbai – 32.

3. The Deputy Director of Education,
Pune Region, Pune, Dist. Pune.
4. The Education Officer (Primary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.
5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Vidya Prabhodhini Sanstha
Urdhva Pravara Prakalpa Vasahat,
Ghulewadi, Tq. Sangamner,
Dist. Ahmednagar.
7. The Headmaster
Anandvan Vidyalaya Ghulewadi,
Tq. Sangamner, Dist. Ahmednagar. **...Respondents.**

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WITH

WRIT PETITION NO. 9868 OF 2023

Parshuram s/o Vasant Raut,
Age 50 years, Occu. Service as
Assistant Teacher presently working
with Terna Sakhar Karkhana Secondary
& Higher Secondary School, Ternanagar,
Tq. & Dist. Osmanabad. **...Petitioner.**

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.

2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Education Officer (Secondary),
Zilla Parishad, Osmanabad,
Dist. Osmanabad.
4. The Superintendent,
Pay and Provident Fund Unit
Education Department, Osmanabad,
Dist. Osmanabad.
5. The President/Secretary,
Terna Shetkari Sahakari Sakhar
Karkhana Ltd. Dhoki (Ternanagar)
Tq. & Dist. Osmanabad.
6. The Headmaster
Terna Sakhar Karkhana Secondary
& Higher Secondary School, Ternanagar,
Tq. & Dist. Osmanabad.

...Respondents.

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WITH
WRIT PETITION NO. 8878 OF 2023

Dnyaneshwar s/o Goroba Deshmukh
Age 44 years, Occu. Service as
Assistant Teacher presently working
with Terna Sakhar Karkhana Secondary
& Higher Secondary School, Ternanagar,
Dhoki, Tq. & Dist. Osmanabad.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.

2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Education Officer (Secondary),
Zilla Parishad, Osmanabad,
Dist. Osmanabad.
4. The Superintendent,
Pay and Provident Fund Unit
Education Department, Osmanabad,
Dist. Osmanabad.
5. The President/Secretary,
Terna Shetkari Sahakari Sakhar
Karkhana Ltd. Dhoki (Ternanagar)
Tq. & Dist. Dharashiv (Osmanabad)
6. The Headmaster
Terna Sakhar Karkhana Secondary
& Higher Secondary School, Ternanagar,
Tq. & Dist. Dharashiv (Osmanabad) **...Respondents.**

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WITH
WRIT PETITION NO. 9867 OF 2023

Zafar s/o. Mukhtar Shaikh
Age 42 years, Occu. Service as Peon
(Sevak) presently working with
Upali High School Upali, Tq. Wadwani,
Dist. Beed. **...Petitioner.**

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,

School Education and Sports
Department, Mantralaya,
Mumbai – 32.

3. The Education Officer (Secondary),
Zilla Parishad, Beed, Dist. Beed.
4. The Superintendent,
Pay and Provident Fund Unit
Education Department, Beed,
Dist. Beed.
5. The President/Secretary,
Mahatma Jyotiba Phule Shikshan
Prasark Mandal Upali, Tq. Wadwani,
Dist. Beed.
6. The Headmaster
Upali High School, Upali,
Tq. Wadwani, Dist. Beed.

...Respondents.

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WITH

WRIT PETITION NO. 9862 OF 2023

Manjabapu s/o Kashinath Urhe
Age 47 years, Occu. Service as
Vice-Principal presently working with
Arts, Science & Commerce College,
Rahuri, Tq. Rahuri, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.

3. The Deputy Director of Education,
Pune Region, Pune-1.
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar
5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Shri. Shivaji Shikshan Prasark Mandal,
Shri. Shivajinagar, Tq. Rahuri,
Dist. Ahmednagar.
7. The Principal
Arts, Science and Commerce College,
Rahuri, Tq. Rahuri, Dist. Ahmednagar. **...Respondents.**

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WITH

WRIT PETITION NO. 9863 OF 2023

Smt. Preeti Avinash Joshi
Age 44 years, Occu. Service as
Assistant Teacher presently working with
Arts, Science & Commerce College,
Rahuri, Tq. Rahuri, Dist. Ahmednagar. **...Petitioner.**

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.

3. The Deputy Director of Education,
Pune Region, Pune-1.
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar
5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Shri. Shivaji Shikshan Prasark Mandal,
Shri. Shivajinagar, Tq. Rahuri,
Dist. Ahmednagar.
7. The Principal
Arts, Science and Commerce College,
Rahuri, Tq. Rahuri, Dist. Ahmednagar.

...Respondents.

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WITH

WRIT PETITION NO. 8873 OF 2023

Dadasaheb s/o Ravsaheb Borde
Age 41 years, Occu. Service as
Assistant Teacher presently working with
Atma Malik Prathamik Gurukul,
Kokamthan, Tq. Kopargaon, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.

3. The Dy. Director of Education,
Pune Region, Pune.
4. The Education Officer (Primary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.
5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Vishwatmak Jangali Maharaj
Ashram Trust, Kokamthan,
Tq. Kopargaon, Dist. Ahmednagar.
7. The Headmaster
Atma Malik Prathamik Gurukul,
Kokamthan, Tq. Kopargaon,
Dist. Ahmednagar.

...Respondents.

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WITH

WRIT PETITION NO. 7336 OF 2023

Shaikh Nuzhat Sultana Mohammad Ishaque
Age 64 years, Occu. Retired,
R/o. Kila Maidan, Balbhim Chowk,
Opp. Milliya College, Beed,
Tq. & Dist. Beed.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports

Department, Mantralaya,
Mumbai – 32.

3. The Education Officer (Secondary),
Zilla Parishad, Beed, Dist. Beed.
4. The Superintendent,
Pay and Provident Fund Unit
Education Department, Beed,
Dist. Beed.
5. The Headmaster
Milliya Girl's High School,
Beed, Killa Maidan, Beed.
Tq. & Dist. Beed.

...Respondents.

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WITH

WRIT PETITION NO. 9864 OF 2023

Rajesh s/o Nilkanth Kohok
Age 55 years, Occu. Service as
Supervisor presently working with
Arts, Science & Commerce College,
Rahuri, Tq. Rahuri, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Deputy Director of Education,
Pune Region, Pune-1.
4. The Education Officer (Secondary),

Zilla Parishad, Ahmednagar

5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Shri. Shivaji Shikshan Prasark Mandal,
Shri. Shivajinagar, Tq. Rahuri,
Dist. Ahmednagar.
7. The Principal
Arts, Science and Commerce College,
Rahuri, Tq. Rahuri, Dist. Ahmednagar.

...Respondents.

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WITH

WRIT PETITION NO. 9876 OF 2023

Smt. Pramila Tukaram Marbhal
Age 43 years, Occu. Service as
Assistant Teacher presently working with
Arts, Science & Commerce College,
Rahuri, Tq. Rahuri, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Deputy Director of Education,
Pune Region, Pune-1.
4. The Education Officer (Secondary),

Zilla Parishad, Ahmednagar

5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Shri. Shivaji Shikshan Prasark Mandal,
Shri. Shivajinagar, Tq. Rahuri,
Dist. Ahmednagar.
7. The Principal
Arts, Science and Commerce College,
Rahuri, Tq. Rahuri, Dist. Ahmednagar.

...Respondents.

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WITH

WRIT PETITION NO. 9860 OF 2023

Nilesh s/o Bhausahab Gosavi
Age 43 years, Occu. Service as
Assistant Teacher presently working with
Arts, Science & Commerce College,
Rahuri, Tq. Rahuri, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Deputy Director of Education,
Pune Region, Pune-1.
4. The Education Officer (Secondary),

Zilla Parishad, Ahmednagar

5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Shri. Shivaji Shikshan Prasark Mandal,
Shri. Shivajinagar, Tq. Rahuri,
Dist. Ahmednagar.
7. The Headmaster
Arts, Science and Commerce College,
Rahuri, Tq. Rahuri, Dist. Ahmednagar.

...Respondents.

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WITH

WRIT PETITION NO. 9874 OF 2023

Appasaheb s/o Kacharu Adhav
Age 47 years, Occu. Service as
Assistant Teacher presently working with
Arts, Science & Commerce College,
Rahuri, Tq. Rahuri, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Deputy Director of Education,
Pune Region, Pune-1.
4. The Education Officer (Secondary),

Zilla Parishad, Ahmednagar

5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Shri. Shivaji Shikshan Prasark Mandal,
Shri. Shivajinagar, Tq. Rahuri,
Dist. Ahmednagar.
7. The Principal
Arts, Science and Commerce College,
Rahuri, Tq. Rahuri, Dist. Ahmednagar.

...Respondents.

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WITH

WRIT PETITION NO. 9841 OF 2023

Siddeshwar s/o Sangramappa Nijwante
Age 59 years, Occu. Retired
R/o. Hadolti, Tq. Ahmedpur,
Dist. Latur.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Deputy Director of Education,
Latur Region, Latur, Dist. Latur.
4. The Education Officer (Secondary),
Zilla Parishad, Latur, Dist. Latur.

5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Latur,
Dist. Latur.
6. The Principal
Saraswati Higher Secondary School,
Wadwal (Na.), Tq. Chakur, Dist. Latur. **...Respondents.**

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**WITH
WRIT PETITION NO. 9890 OF 2023**

Nandlal s/o Totaram Patil,
Age 54 years, Occu. Service as
Assistant Teacher presently working with
Adarsh Madhyamik Vidyalaya Shirdi,
Tq. Rahata, Dist. Ahmednagar. **...Petitioner.**

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Dy. Director of Education,
Pune Region, Pune
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar
Dist. Ahmednagar.
5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,

Dist. Ahmednagar.

6. The President/Secretary,
Shri. Saibaba Shikshan Prasarak
Mandal, Shirdi, Tq. Rahata,
Dist. Ahmednagar.
7. The Headmaster
Adarsh Madhyamik Vidyalaya Shirdi,
Tq. Rahata, Dist. Ahmednagar.

...Respondents.

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WITH
WRIT PETITION NO. 9894 OF 2023

Samina Goher Mohammed Sofi
Age 53 years, Occu. Service as
Assistant Teacher presently working with
Secondary and Higher Secondary Girls
High School, Garkheda Parisar, Aurangabad,
Tq. & Dist. Aurangabad.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Deputy Director of Education,
Aurangabad Region, Aurangabad.
4. The Education Officer (Secondary),
Zilla Parishad, Aurangabad.
5. The Superintendent,
Pay and Provident Fund Unit

Education Department, Aurangabad,
Dist. Aurangabad.

6. The President/Secretary,
Modern Shikshan Prasark Mandal,
Aurangabad, front of RTO Office,
Jahagirdar Colony, Railway Station,
Aurangabad, Dist. Aurangabad.
7. The Headmaster
Secondary and Higher Secondary Girls
High School, Garkheda Parisar, Aurangabad,
Dist. Aurangabad.

...Respondents.

...
WITH
WRIT PETITION NO. 9769 OF 2023

Babasaheb s/o. Bhagwanrao Markad
Age 59 years, Occu. Retired,
R/o. Madhi, Post Nivdunge,
Tq. Pathardi, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Deputy Director of Education,
Pune Region, Pune, Dist. Pune.
4. The Sr. Accounts Officer,
Indian Audit & Accounts Department,
Officer of the Account General,
(Account & Entitlement)-1

Pratishta Bhavan (Old C G O Bld),
101, Maharshi Karve Marg,
2nd Flower, Mumbai – 100 020

5. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar
Dist. Ahmednagar.
6. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
7. The Headmaster
A.E.S. Mahesh Munot Vidyalaya,
Vambori, Tq. Rahuri,
Dist. Ahmednagar.

...Respondents.

...

WITH

WRIT PETITION NO. 10374 OF 2023

Shaukat s/o Ahmed Shaikh
Age 53 years, Occu. Service as
Assistant Teacher presently working with
Secondary and Higher Secondary Girls
High School, Garkheda Parisar, Aurangabad,
Tq. & Dist. Aurangabad.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Deputy Director of Education,

Aurangabad Region, Aurangabad.

4. The Education Officer (Secondary),
Zilla Parishad, Aurangabad.
5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Aurangabad,
Dist. Aurangabad.

...Respondents.

...

WITH

WRIT PETITION NO. 9898 OF 2023

Kailas s/o Genubhau Rahane,
Age 49 years, Occu. Services as
Assistant Teacher presently working
with Chandaneshwar Secondary & Higher
Secondary School, Chandanapuri,
Tq. Sangamner, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Dy. Director of Education,
Pune Region, Pune
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.
5. The Superintendent (Secondary),
Pay and Provident Fund Unit

Education Department, Ahmednagar,
Dist. Ahmednagar.

6. The President/Secretary,
Janata Shikshan Prasark Mandal
Chandanapuri, Tq. Sangamner,
Dist. Ahmednagar.
7. The Headmaster
Chandaneshwar Secondary &
Higher Secondary School, Chandanapuri,
Tq. Sangamner, Dist. Ahmednagar.

...Respondents.

...

WITH

WRIT PETITION NO. 9904 OF 2023

Ashok s/o. Changdeo Khemnar
Age 50 years, Occu. Services as
Headmaster presently working
with Chandaneshwar Secondary & Higher
Secondary School, Chandanapuri,
Tq. Sangamner, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Dy. Director of Education,
Pune Region, Pune
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.

5. The Superintendent (Secondary),
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Janata Shikshan Prasark Mandal
Chandanapuri, Tq. Sangamner,
Dist. Ahmednagar.
7. The Headmaster
Chandaneshwar Secondary &
Higher Secondary School, Chandanapuri,
Tq. Sangamner, Dist. Ahmednagar.

...Respondents.

...
WITH

WRIT PETITION NO. 9892 OF 2023

Bajirao s/o. Dagadu Wakchaure
Age 50 years, Occu. Services as
Assistant Teacher presently working
with Chandaneshwar Secondary & Higher
Secondary School, Chandanapuri,
Tq. Sangamner, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Dy. Director of Education,
Pune Region, Pune

4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.
5. The Superintendent (Secondary),
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Janata Shikshan Prasark Mandal
Chandanapuri, Tq. Sangamner,
Dist. Ahmednagar.
7. The Headmaster
Chandaneshwar Secondary &
Higher Secondary School, Chandanapuri,
Tq. Sangamner, Dist. Ahmednagar.

...Respondents.

...
WITH

WRIT PETITION NO. 5646 OF 2023

Ashok s/o Gangaram Navgire
Age 60 years, Occu. Retired,
R/o. H.No. D-17, Waraj Nagar,
New Bhokardan, Jalna Road,
Bhokardan, Tq. Bhokardan,
Dist. Jalna.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.

3. The Dy. Director of Education,
Aurangabad Region, Aurangabad.
4. The Education Officer (Secondary),
Zilla Parishad, Jalna.
5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Jalna,
Dist. Jalna.
6. The Principal,
Shri Rameshwar Arts, Commerce &
Science Jr. College, Bhokardan,
Tq. Bhokardan, Dist. Jalna.

...Respondents.

...
WITH

WRIT PETITION NO. 8877 OF 2023

Smt. Bharati Shankar Chaudhar @
Bharati Ramchandra Kekane
Age 48 years, Occu. Service as
Assistant Teacher presently working
with Anandvan Vidyalaya, Ghulewadi,
Tq. Sangamner, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
3. The Deputy Director of Education,
Pune Region, Pune, Dist. Pune.

4. The Education Officer (Primary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.
5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Vidya Prabhodhini Sanstha
Urdhva Pravara Prakalpa Vasahat,
Ghulewadi, Tq. Sangamner,
Dist. Ahmednagar.
7. The Headmaster
Anandvan Vidyalaya Ghulewadi,
Tq. Sangamner, Dist. Ahmednagar. **...Respondents.**

...
WITH

WRIT PETITION NO. 9930 OF 2023

Arun s/o. Sitaram Gunjal,
Age 49 years, Occu. Service as
Assistant Teacher presently working with
Chandaneshwar Secondary & Higher
Secondary School, Chandanapuri,
Tq. Sangamner, Dist. Ahmednagar.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.

3. The Dy. Director of Education,
Pune Region, Pune.
4. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar.
5. The Superintendent (Secondary),
Pay and Provident Fund Unit
Education Department, Ahmednagar,
Dist. Ahmednagar.
6. The President/Secretary,
Janata Shikshan Prasark Mandal
Chandanapuri, Tq. Sangamner,
Dist. Ahmednagar.
7. The Headmaster
Chandaneshwar Secondary &
Higher Secondary School, Chandanapuri,
Tq. Sangamner, Dist. Ahmednagar.

...Respondents.

...
WITH

WRIT PETITION NO. 14405 OF 2023

Smt. Janabai Jaysingh Chavan
Age 58 years, Occu. Retired,
R/o. Champavati Niwas,
Hanuman Mandir Road,
Shahu Nagar, Near D.Ed. College,
Beed, Tq. & Dist. Beed.

...Petitioner.

Vs.

1. The State of Maharashtra
Through its Secretary,
Finance Department,
State of Maharashtra,
Mantralaya, Mumbai – 32.
2. The Secretary,
School Education and Sports

Department, Mantralaya,
Mumbai – 32.

3. The Dy. Director of Education,
Aurangabad Region, Aurangabad.
4. The Education Officer (Secondary),
Zilla Parishad, Beed, Dist. Beed.
5. The Superintendent,
Pay and Provident Fund Unit
Education Department, Beed,
Dist. Beed.
6. The Headmaster
Shri Laxmanrao Jaher Madhyamik
Vidyalaya, Namalgaon Phata,
Beed, Tq. & Dist. Beed.

...Respondents.

...

Advocate for the Petitioners in WP 8548/22 & 200/19 : Mr. Majit Shaikh
Advocate.

Advocate for the Petitioners in other matters : Mr. Mahesh Deshmukh
Advocate a/w. Mr. K.D. Pote Advocate h/f. Mr. A.G. Ambetkar

AGP for Respondents/State authorities : Mr. A.R. Kale

Advocate for Respondent/Z.P, Ahmednagar : Ms. Suvarna M. Zaware

...

**CORAM : ARUN R. PEDNEKER AND
VAISHALI PATIL-JADHAV, JJ.**

Dated : February 25, 2026

PER COURT :-

- 1) Rule. Rule made returnable forthwith. Heard by consent of parties.
- 2) By the present writ petitions, the petitioners claim that they are employees appointed prior to 31.10.2005 in the partially aided division of

100% aided schools and are seeking declaration that the petitioners are governed under old pension scheme i.e. Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Commutation of Pension) Rules, 1984 and General Provident Fund, which are applicable to the Assistant Teachers/Jr. College Teachers who are appointed prior to 01.11.2005 and shall not apply the Defined Contribution Pension Scheme (DCPS) or National Pension Scheme (NPS), which replaces the old pension scheme from 1.11.2005. The petitioners also pray to consequently direct the respondents to take steps to extend benefits under old pension scheme in favour of the petitioners and direct the concerned schools to forthwith submit the pension papers/proposal of the petitioners who are appointed as Assistant Teacher/Junior College Teachers prior to 1.11.2005 and already stood retired within six weeks. The issue involved in these petitions is common and is therefore taken up for consideration.

3) The petitioners have approached this Court seeking multiple reliefs and consequential reliefs arising out of the main reliefs. The facts in detail are noted in tabular form.

Writ Petition No.	Name of the petitioner	Date of First Appointment and (approval) & Post	Date of Full Time (approval) & Post	100% Grant Received in the year	School/College Name
WP 8548/2019	Dattatrya Patingrao Borse Vs. The State Of Maharashtra Through Its Secretary And Others	15.12.2004 Physical Instructor	07.09.2009 Physical Instructor	1.10.2003 (100% Grant-in-aid division of school) Retired in the year 2021	Vijay Nana Patil Army School and Jr. College, Amalner, Tq. Amalner, Dist. Jalgaon.
WP	Captain Raosaheb	01.10.2003	15.12.2004	1.10.2003	Vijay Nana Patil Army

200/2019	Dayaram Suryawanshi Vs. The State Of Maharashtra And Others	Physical Instructor	Physical Instructor	(100% Grant-in-aid division of school) Retired on 31.12.2014	School and Jr. College, Amalner, Tq. Amalner, Dist. Jalgaon.
WP 1194/2023	Hemant Baban Pawar Vs. The State Of Maharashtra Through Its Secretary And Others	10.06.2005 (Full-time Assistant Teacher) (Partially grant in aid division of college)	06.08.2008 (2008-2009) (Full-Time Assistant Teacher) (100% grant-in-aid divisions of college)	1998 (High School) 2003 (Jr. College)	Sun Pharma Secondary & Higher Secondary School Nagapur, Tq. & Dist. Ahmednagar.
WP 9922/2023	Sanjay Somnath Wale Vs. The State Of Maharashtra And Others	01.07.1997 (CHB) 13.06.1998 (Full-Time Assistant Teacher) (Partially grant-in-aid divisions of Jr. College)	13.06.2008 (Full-Time Assistant Teacher) (100% grant-in-aid divisions of Jr. college)	1970 (High School) 1998 (Jr. College)	Chandaneshwar Secondary & Higher Secondary School Chandanapuri, Tq. Sangamner, Dist. Ahmednagar.
WP 9929/2023	Ramnath Bhausaheb Varpe Vs. The State Of Maharashtra And Others	01.07.1997 (CHB) 13.06.1998 (Full-Time Assistant Teacher) (Partially grant-in-aid divisions of Jr. College)	13.06.2008 (Full-Time Assistant Teacher) (100% grant-in-aid divisions of Jr. college)	1970 (High School) 1998 (Jr. College)	Chandaneshwar Secondary & Higher Secondary School Chandanapuri, Tq. Sangamner, Dist. Ahmednagar.
WP 9866/2023	Shaikh Ayajahmed Kankarbhai Vs. The State Of Maharashtra Through Its Secretary And Others	13.06.2000 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of school)	2007-2008 (Full-Time Assistant Teacher) (100% grant-in-aid divisions of school)	1999-2000	Shri Sangameshwar Madhyamik Vidyalaya Walunjpoi, Tq. Rahuri, Dist. Ahmednagar.
WP 9869/2023	Somnath Baban Kohakade Vs. The State Of Maharashtra Through Its Secretary And Others	13.06.1999 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of school)	2007-2008 (Full-Time Assistant Teacher) (100% grant-in-aid divisions of school)	1999-2000	Shri. Narayangiri Maharaj Vidyalaya Malharwadi, Tq. Rahuri, Dist. Ahmednagar.
WP 9897/2023	Janhavi Vinod Gadge Alias Janhavi Bhaskar Narsale Vs. The State Of Maharashtra Through Its Secretary And Others	13.06.2001 (Full-time Assistant Teacher) (Partially grant in aid division of Jr. College)	06.08.2008 (2008-2009) (Full-Time Assistant Teacher) (100% grant-in-aid divisions Jr. College)	1998 (High School) 2003 (Jr. College)	Sun Pharma Secondary & Higher Secondary School Nagapur, Tq. & Dist. Ahmednagar.
WP 9891/2023	Asha Rambhau Gund Alias Asha Shivaji Bhongal Vs. The State Of Maharashtra Through Its Secretary And Others	13.06.2001 (Full-time Assistant Teacher) (Partially grant in aid division of Jr. College)	06.08.2008 (2008-2009) (Full-Time Assistant Teacher) (100% grant-in-aid divisions Jr. College)	1998 (High School) 2003 (Jr. College)	Sun Pharma Secondary & Higher Secondary School Nagapur, Tq. & Dist. Ahmednagar.
WP 9893/2023	Satish Kanakchand Bansode Vs. The State Of Maharashtra Through Its Secretary And Others	13.06.2001 (Full-time Assistant Teacher) (Partially grant in aid division of Jr. college)	06.08.2008 (2008-2009) (Full-Time Assistant Teacher) (100% grant-in-aid divisions of Jr.	1998 (High School) 2003 (Jr. College)	Sun Pharma Secondary & Higher Secondary School Nagapur, Tq. & Dist. Ahmednagar.

			college)		
WP 9777/2023	Sampat Dagadu Thitame Vs. The State Of Maharashtra And Others	01.07.1997 (CHB) 13.06.2000 (Full-time Assistant Teacher) (Partially grant-in- aid divisions of Jr. college)	13.08.2008 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of Jr. college)	1970 (High School) 1998 (Jr. College)	Chandaneshwar Secondary & Higher Secondary School Chandanapuri, Tq. Sangamner, Dist. Ahmednagar.
WP 9873/2023	Ravindra Sitaram Jadhav Vs. The State Of Maharashtra Through Its Secretary And Others	02.11.2004 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of school)	June-2010 (Full-time Assistant Teacher) (100% grant-in- aid divisions of school)	1991-1992	Anandvan Vidyalaya Ghulewadi, Tq. Sangamner, Dist. Ahmednagar.
WP 9868/2023	Parshuram Vasant Raut Vs. The State Of Maharashtra Through Its Secretary And Others	02.07.2001 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of school)	2008-2009 (Full Time Assistant Teacher) (100% grant-in- aid divisions of school)	1996	Terna Sakhar Karkhana Secondary & Higher Secondary School, Ternanagar, Tq. & Dist. Dharashiv
WP 8878/2023	Dnyaneshwar Goroba Deshmukh Vs. The State Of Maharashtra Through Its Secretary And Others	02.07.2001 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of school)	2008-2009 (Full Time Assistant Teacher) (100% grant-in- aid divisions of school)	1996	Terna Sakhar Karkhana Secondary & Higher Secondary School, Ternanagar, Tq. & Dist. Dharashiv
WP 9867/2023	Zafar Mukhtar Shaikh Vs. The State Of Maharashtra Through Its Secretary And Others	20.06.2000 (Peon-(Sevak)) (Non grant-in-aid divisions of school)	2007-2008 (Peon-(Sevak)) (100% grant-in- aid divisions of school)	2000-2001	Upali High School, Upali, Tq. Wadwani, Dist. Beed.
WP 9862/2023	Manjabapu Kashinath Urhe Vs. The State Of Maharashtra Through Its Secretary And Others	26.07.2004 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of Jr. College)	2009-2010 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of Jr. College)	1979-1980	Art, Science & Commerce College, Rahuri, Tq. Rahuri, Dist. Ahmednagar
WP 9863/2023	Preeti Avinash Joshi Vs. The State Of Maharashtra Through Its Secretary And Others	16.08.2004 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of Jr. College)	2009-2010 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of Jr. College)	1979-1980	Art, Science & Commerce College, Rahuri, Tq. Rahuri, Dist. Ahmednagar
WP 8873/2023	Dadasaheb Ravsaheb Borde Vs. The State Of Maharashtra Through Its Secretary And Others	06.06.2001 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of school)	2009-2010 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of school)	2005-2006	Atma Malik Prathamik Gurukul Kokamthan, Tq. Kopargaon, Dist. Ahmednagar.
WP 7336/2023	Shaikh Nuzhat Sultana Mohammad Ishaque Vs. The State Of Maharashtra Through Its Secretary And Others	20.06.1994 (D.Ed. College) 01.04.2001 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of school)	13.11.2009 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of school) Retired on 31.08.2019	1997	Milliya Girl's High School Beed, Killa Maidan, Beed, Tq. & Dist. Beed.

WP 9864/2023	Rajesh Nilkanth Kohok Vs. The State Of Maharashtra Through Its Secretary And Others	01.08.2005 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of Jr. College)	2009-2010 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of Jr. College)	1979-1980	Art, Science & Commerce College, Rahuri, Tq. Rahuri, Dist. Ahmednagar
WP 9876/2023	Pramila Tukaram Marbhal Vs. The State Of Maharashtra Through Its Secretary And Others	16.08.2004 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of Jr. College)	2009-2010 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of Jr. College)	1979-1980	Art, Science & Commerce College, Rahuri, Tq. Rahuri, Dist. Ahmednagar
WP 9860/2023	Nilesh Bhausahab Gosavi Vs. The State Of Maharashtra Through Its Secretary And Others	26.07.2004 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of Jr. College)	2009-2010 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of Jr. College)	1979-1980	Art, Science & Commerce College, Rahuri, Tq. Rahuri, Dist. Ahmednagar
WP 9874/2023	Appasaheb Kacharu Adhav Vs. The State Of Maharashtra Through Its Secretary And Others	26.07.2004 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of Jr. College)	2009-2010 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of Jr. College)	1979-1980	Art, Science & Commerce College, Rahuri, Tq. Rahuri, Dist. Ahmednagar
WP 9841/2023	Siddheshwar Sangramappa Nijwante Vs. The State Of Maharashtra Through Its Secretary And Others	22.06.1998 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of Jr. College)	2005-2006 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of Jr. College) Retired on 31.12.2022	1995-96 (High School) 2005-06 (Jr. College)	Saraswati Higher Secondary School Wadwal (Na.), Tq. Chakur, Dist. Latur.
WP 9890/2023	Nandlal Totaram Patil Vs. The State Of Maharashtra Through Its Secretary And Others	15.06.2000 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of school)	17.01.2011 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of Jr. College)	2000	Adarsha Madhyamik Vidyalaya Shirdi, Tq. Rahata, Dist. Ahmednagar.
WP 9894/2023	Samina Goher Mohammed Sofi Vs. The State Of Maharashtra Thr Its Secretary And Others	13.06.2003 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of school)	2008-2009 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of School)	1996	Secondary & Higher Secondary Girls High School, Garkheda Parisar, Chha. Sambhajinagar.
WP 9769/2023	Babasaheb Bhagwanrao Markad Vs. The State Of Maharashtra Through Its Secretary And Others	14.06.2000 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of school)	16.06.2010 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of school) Retired on 30.09.2022	1997-99	Mahesh Munot Madhyamik Vidyalaya, Vambori, Tq. Rahuri, Dist. Ahmednagar.
WP 10374/2023	Shaukat Ahmed Shaikh Vs. The State Of Maharashtra Thr Its Secretary And Others	18.06.2003 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of school)	2008-2009 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of school)	1996	Secondary & Higher Secondary Girls High School, Garkheda Parisar, Chha. Sambhajinagar.

WP 9898/2023	Kailas Genubhau Rahane Vs. The State Of Maharashtra And Others	01.07.1997 (CHB) 13.06.1998 (Full-Time Assistant Teacher) (Partially grant-in- aid divisions of Jr. College)	13.06.2008 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of Jr. college)	1970 (High School) 1998 (Jr. College)	Chandaneshwar Secondary & Higher Secondary School Chandanapuri, Tq. Sangamner, Dist. Ahmednagar.
WP 9904/2023	Ashok Changdeo Khemnar Vs. The State Of Maharashtra And Others	01.07.1997 (CHB) 13.06.2000 (Full-Time Assistant Teacher) (Partially grant-in- aid divisions of Jr. College)	13.06.2008 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of Jr. college) Present as Headmaster	1970 (High School) 1998 (Jr. College)	Chandaneshwar Secondary & Higher Secondary School Chandanapuri, Tq. Sangamner, Dist. Ahmednagar.
WP 9892/2023	Bajirao Dagadu Wakchaure Vs. The State Of Maharashtra And Others	13.10.1999 (Full-Time Assistant Teacher) (Partially grant-in- aid divisions of Jr. College)	02.09.2006 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of Jr. college)	1970 (High School) 1998 (Jr. College)	Chandaneshwar Secondary & Higher Secondary School Chandanapuri, Tq. Sangamner, Dist. Ahmednagar.
WP 5646/2023	Ashok Gangaram Navgire Vs. The State Of Maharashtra Through Its Secretary And Others	08.07.2002 (CHB) 21.06.2004 (Full-Time Jr. Lecturer) (Partially grant-in- aid divisions of Jr. College)	16.06.2008 (Full Time Jr. Lecturer) (100% grant-in- aid divisions of Jr. College) Retired on 31.01.2019	1982	Shri Rameshwar Arts, Commerce & Science Jr. College, Bhokardan, Tq. Bhokardan, Dist. Jalna.
WP 8877/2023	Bharati Shankar Chaudhari Alias Bharati Ramchandra Kekane Vs. The State Of Maharashtra Through Its Secretary And Others	16.08.2001 (Full-Time Assistant Teacher) (Non grant-in-aid divisions of school)	12.07.2008 (Full-time Assistant Teacher) (100% grant-in- aid divisions of school)	1991-1992	Anandvan Vidyalaya Ghulewadi, Tq. Sangamner, Dist. Ahmednagar.
WP 9930/2023	Arun Sitaram Gunjal Vs. The State Of Maharashtra And Others	01.07.1997 (CHB) 13.06.2000 (Full-Time Assistant Teacher) (Partially grant-in- aid divisions of Jr. College)	13.08.2008 (Full-Time Assistant Teacher) (100% grant-in- aid divisions of Jr. college)	1970 (High School) 1998 (Jr. College)	Chandaneshwar Secondary & Higher Secondary School Chandanapuri, Tq. Sangamner, Dist. Ahmednagar.
WP 14405/2023	Janabai Jaysingh Chavan Vs. The State Of Maharashtra Through Its Secretary And Others	21.08.1997 (Full-time Assistant Teacher) (Non grant in aid division of college)	02.03.2007 (2006-2007) (Full-Time Assistant Teacher) (100% grant-in- aid divisions of college) Retired on 30.06.2023	1993	Shri Laxmanrao Jaher Madhyamik Vidyalaya Jahernagar, Namalgaon, Phata, Tq. & Dist. Beed.

4) The learned counsel for the petitioners submits that the issue raised in these petitions is no more *res-integra* and is conclusively decided in the

case of **Nilesh Namdev Gurav & Ors. Vs. State of Maharashtra** reported in **2022 (3) Mh.L.J. 615**. The same view was consistently followed by this court in various judgments. In **Writ Petition No. 4532/2023** in the case of **Prashant Dnyaneshwar Chimne and ors. Vs. The State of Maharashtra and ors. and other connected matters** decided by this Court on 19.7.2024, at para 12, this Court has observed as under :-

“12. This issue fell for consideration in various subsequent petitions wherein consistently it has been ruled that irrespective of the division, if the School is receiving 100% grant on cut of date and the employees are appointed prior to the said date, they are governed by the old pension scheme. To quote few, such view is reiterated by this Court in cases of **Prabha V/s. State of Mah. and ors. [Writ Petition No. 5463/2021, decided on 23/06/2022]**, **Rajesh S/o. Anant Tumsare V/s. State of Mah. and ors. [Writ Petition No.4338/2022 along with connected matters, decided on 29/07/2022]**, **Nilima Harishchandra Katole and ors. V/s. State of Mah. and ors. [Writ Petition No. 1534/2020, decided on 08/03/2023]**, **Shirin Bano Sheikh Mehboob V/s. State of Mah. and ors. [Writ Petition No. 262/2023, decided on 30/06/2023]**, **Pradeep Rangrao Nalawde (Dr.) V/s. Poona College of Pharmacy and ors. [Writ Petition No. 2187/2022, decided on 03/07/2023]**, **Govardhan S/o. Waman Lanje V/s. State of Mah. and ors. [Writ Petition No. 328/2023, decided on 31/07/2023]**, **Baban S/o. Gulabrao Koradkar V/s. State of Mah. And ors. [Writ Petition No. 2596/2022 along with connected matters, decided on 05/07/2023]**, **Rajesh S/o. Anant Tumsare and ors. V/s. State of Mah. and ors. [Writ Petition No. 4623/2023, decided on 04/09/2023]** and **Smt. Jotsna Wd/o. Sanjay Katait V/s. State of Mah. and ors. [Writ Petition No. 8083/2022 along with connected matter, decided on 25/09/2023]**.

5) The learned counsel for the petitioners submits that last judgment on this issue is by the Nagpur Bench in **Writ Petition No. 2796/2024 decided on 11.08.2025 (Ku. Vandana Santoshrao Ugemuge Vs. The State of Maharashtra and Ors.)** and thus, seeks the declaration that the petitioners are governed under old pension scheme and for further consequential reliefs.

6) Per contra, the learned AGP defend the case and raise various submissions as regards the non-applicability of the old pension scheme to the petitioners by primarily contending that the petitioners are working in the unaided divisions and thus, unless they are working on the fully aided division, it is not permissible to grant them benefit. The learned AGP has also filed written notes of arguments on behalf of the respondent/State and submits that we should deal with them. The submissions are reproduced as under :-

“The Respondents most respectfully submit the following short Written Notes as under :-

1. That, at the outset the petition objected on the ground of maintainability, for the reason that, to seek the writ of mandamus, there must be legal right exist in favor of petitioner. The petitioner must establish that a legal right has crystallized or exists in favor of the petitioner on the basis of the provisions of law, rules, or the policy of the State Government. However, in the present case, there is no direct or implied legal provision entitling the petitioner to the benefit of the Old Pension Scheme. Therefore, the

petition is not maintainable. This legal principle has been settled by the Hon'ble Supreme Court of India in the matter of Umakant Saran V/s. State of Bihar and others reported in (1973) 1 S.C.C. 485.

2. That, the writ petitions are also not maintainable, State Government or the authorities are not legally bound to perform the duties or the actions sought by the petitioner, nor is there any violation of any statutory provision or infringement of any right accrued in favor of the petitioners. The writ of mandamus can be sought only when the State authorities are failed to perform the duties to which they are legally bound. Hence, the petition is liable to be dismissed on the ground of maintainability. This legal principle has been settled by the Hon'ble Supreme Court of India in the matter of Saraswati Industrial Syndicate Ltd. and others V/s Union of India reported in (1974) 2 S.C.C. 630.

3. That, the petition deserves to be rejected as not maintainable as, it is well settled position of law that, for seeking a writ of mandamus, the petitioner must first approach the competent authority and make a demand for performance of duties and shall the claim entitlement for particular relief on the basis of provisions of laws by way of a representation or application. However, in the present case, the petitioners are directly approached this Hon'ble Court without asking the authorities for legal duties. Therefore, no writ of mandamus can be issued, and the petition deserves to be rejected. This legal principle has been settled by the Hon'ble Supreme Court of India in the matter of Kamini Kumar Das Chaudhari V/s. State of West Bengal and others reported in (1972) 2 S.C.C. 420.

4. That, the Writ Petitions are deserves to be rejected even on the point of delay and latches. The petitioner before this Court have admittedly joined the services prior to 2005 and brought on grant in aid after cutoff date i.e.

01.11.2005. Therefore, D.C.P.S. had been made applicable to the petitioner's services for first time when petitioners have received salary from State Government's aid and contribution towards it was deducted. The first time deduction had been occurred long back, but the petitions have been filed after 2022. By this inaction on the part of petitioner for long time disentitles petitioners for seeking any relief and by efflux of time petitioners have lost the right raise challenge. This legal principle has been settled by the Hon'ble Supreme Court of India in the matter of State of Maharashtra v/s Digambar reported in (1995) 4 S.C.C. 683.

5. That, so far as the contentions regarding the entitlement of the petitioners are concerned, the petitioners were appointed on unaided divisions/partially aided divisions/on clock-hour basis/on part-time basis, etc. Though prior to the year 2005 their appointments have been were approved as per M.E.P.S. Act and Rules but on un-aided posts. The services of the petitioners have been subsequently regularized on grant-in-aid posts, such approval and regularization were granted after the cut-off date, i.e. 1st November 2005. By that time new Defined Contributory Pension Scheme has been came in existence and taken the place. Therefore, the services of the petitioners are governed by the DCPS Scheme.

6. That, the petitioners are claiming their entitlement on the basis of the contention that, the divisions in which the petitioners were appointed though were un-aided divisions but the school was receiving 100% grant-in-aid. Therefore, it will have to treat that the school is 100% grant in aid. This, contention of the petitioners is required to be examined carefully, for the reason that though the other divisions of School have been held grantable or receiving Grant in Aid and if any division of a school is not receiving grant-in-aid, it would be wholly incorrect to state that the entire school is receiving 100% grant-in-aid.

Therefore, there is no force in the submission of the petitioners that the school is receiving 100% grant-in-aid so as to bring their case within the ambit of ratio laid down in the judgment of this Hon'ble Court relied upon by petitioners.

7. That, it is the further contention of the petitioners that since the school is allegedly receiving 100% grant-in-aid, they are straightway eligible and entitled to the Old Pension Scheme. This contention is also required to be scrutinized in light of the object and scope of the Old Pension Scheme. Merely because an employee is working in a school which is allegedly receiving 100% grant-in-aid does not ipso facto make such employee eligible for the Old Pension Scheme. In fact, eligibility for the Old Pension Scheme is required to be tested on the basis of the requisite conditions and service conditions contemplated under the scheme and shall have to test whether the petitioners are really fulfilling those or not. The Old Pension Scheme contemplates "pensionable service". As per the scheme and the relevant rules, an employee is required to be an employee on grant-in-aid service, of which gratuity account and consolidated pension account has been opened, so that the contribution of the State towards the pension fund can be deposited or the contribution towards gratuity can be deducted from the salary of the employee. This is possible only when the employee receives 100% salary as per the post held by them. These aspects have never been canvassed before any Court, and therefore, they have neither been considered nor answered in any of the judgments relied upon by the petitioners. The fact remains that though a Full Bench judgment of this Hon'ble Court has been delivered while contemplating a similar situation; but it do not suits to the petitioners. While dealing with such an issue, the legal requirements cannot be brushed aside or ignored. On the contrary, the petitioners must first establish that, they are eligible and qualify all the requisite conditions to avail the benefits but nowhere in the petition

as well as while arguing the case this aspect have canvassed by the petitioners. Without establishing such entitlement on the touchstone of the Old Pension Scheme, granting such a declaration would amount to an abuse of the process of law. Therefore, the petitioners are not entitled to seek such relief. Therefore the reliance has been placed on full bench judgment passed by this Hon'ble Court in the matter of Deshmukh Dilipkumar Bhagwan V/s State of Maharashtra and others reported in (2019) SCC OnLine Bom 729: (2019) 3 Mah LJ 903(FB).

8. That, during the course of arguments, it was submitted on behalf of the State Government that the judgments relied upon by the petitioners are the subject matter of Special Leave Petitions before the Hon'ble Supreme Court and are presently under the scrutiny of the Apex Court. Considering these aspects, the petitions could have been waited till the pronouncement of the verdict by the Apex Court. However, the matters were heard at the instance of the petitioners.

9. That, in the alternatively it was submitted on behalf of the State Government that, the judgment delivered by the Principal Seat, of this Hon'ble High Court in W.P. No. 2345/2014 and connected Writ Petitions (Coram: Hon'ble R. V. Ghuge and Ashwin D. Bhoje J.J.), is in identical facts and circumstances of the matter therefore the ratio and directions issued by the Coordinate Bench of this Hon'ble Court, being recent in point of time, are required to be followed. As the same have been issued after considering all the earlier judgments and the pendency of litigation arising there from before the Hon'ble Supreme Court of India.

10. In the backdrop of the above facts and the judgments relied upon by the State, it is most respectfully submitted that the present petitions must fail and are liable to be disposed of accordingly.”

Considering all these aspects, the learned AGP prayed to dismiss the writ petitions.

7) Heard the parties. The issue whether the employees who worked on an unaided division in November 2005 of an 100% aided school is entitled to pension under the old pension scheme is no more *res-integra*, and is conclusively decided by this Court in the case of **Nilesh Namdev Gurav** (*supra*) and is consistently followed by this court in various judgments as noted above. We cannot take different view and we are bound by the same. We are also informed that the view taken by this Court in the case of **Nilesh Namdev Gurav** (*supra*) and various other matters is challenged in the Hon'ble Supreme Court. However, the Hon'ble Supreme Court in none of the matters has granted any interim relief. This Court has noticed the filing of the S.L.P. in Supreme Court in Writ Petition No. 2796/2024 (*supra*) and has allowed the writ petition as there is no interim relief granted in the S.L.P. by the Hon'ble Supreme Court.

8) Although large number of judgments are being delivered on the subject by this Court and all the contentions of the AGP as raised are already rejected, the respondent/authorities represented through AGP have raised similar pleas in these matters. The argument of the learned AGP that there is no representation made to the statutory authority to

claim the old pension scheme and there is no statutory duty cast upon the respondents to grant such relief is a frivolous objection and is rejected, as the retiral benefits of employee who has rendered services cannot be withheld by the authorities. It is the duty cast upon the respondent to give the employee all the retiral benefits. The liability to give all retiral benefits rests upon the authority and they cannot resist the same on the ground that there is no application to that effect. The Hon'ble Supreme Court in the case of **S.K. Dua V. State of Haryana and Ors. reported in AIR 2008 SC 1077** has observed that the retiral benefits are not in the nature of bounty and an employee is entitled as of right to get those benefits immediately after superannuation unless they are withdrawn or withheld as a matter of punishment. Although the law on the issue of entitlement of pension is settled by this Court, the respondents/authorities are contesting the entitlement of the petitioners to receive pension under old pension scheme. In these situation, we cannot direct the petitioners to approach the respondents/authorities without declaring their eligibility for the same.

9) The law as declared in the above judgments is that the employees similarly placed to the petitioners are entitled to old pension scheme who are appointed prior to 1.11.2005 in the 100% aided schools and not the DCP Scheme unless specifically opted by the employees. All the employees who have not applied for the DCP Scheme and the present petitioners,

having not opted for the DCP Scheme, ought to have been granted the benefit of the old pension scheme. In this view of the matter the frivolous opposition by the respondent authorities who are represented by the learned AGP needs to be rejected with cost of Rs.10,000/- to be paid by the respondent authorities represented by AGP within a period of four weeks from today. Considering the same, we deem it appropriate to grant the declaration as prayed by petitioners in this bunch of the petitions and also grant relief as granted in other identical Writ Petition No. 4532/2023 and other connected matters cited supra. Hence, the following order :-

ORDER

- i) Writ Petitions are allowed.
- ii) The petitioners are entitled to be governed under the old pension scheme i.e. Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Commutation of Pension) Rules, 1984 and provisions of General Provident Fund is applicable to Petitioners who are either Assistant Teachers or Non-Teaching employees, appointed prior to 1st November 2005.
- iii) The respondents shall extend the benefits of the old pension scheme to the petitioners and shall not deduct any amount from the salary of the petitioners by applying the DCP Scheme (New Pension Scheme). In the event, any amount has been deducted by applying the DCPS, such amount shall be refunded to the petitioners within a period of four weeks from the

receipt of this order.

iv) The respondents shall allot the General Provident Fund Account (GPF Account) to the petitioners and thereafter, permit the educational institutions to deduct the amount of monthly contribution from the monthly salary of the petitioners and deposit the same in the said GPF Account which shall be done within a period of six weeks from the receipt of this order.

v) The Management is directed to submit the pension proposal as regards to the eligible retired employees and to take necessary steps thereof.

vi) Respondent authorities who are represented by the learned AGP to pay cost of Rs.10,000/- (Rupees ten thousand only) to the Aurangabad High Court Bar Association within a period of four weeks from today and submit proof to the registry.

vii) The writ petitions are allowed accordingly.

Rule is made absolute in above terms.

(VAISHALI PATIL-JADHAV, J.)

(ARUN R. PEDNEKER, J.)

ssc/