

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.202 OF 2020

1. Shivaji University Teachers
Association (SUTA), Association
Registered under Trade Unions Act, 1926
Through its Secretary
Dr. Dattatray Nilkanth Patil,
Having its Registered Office
At 1735, C, Hatti Mahal Road,
Kolhapur 410 002.
2. Salunkhe Alaka Shivajirao,
Age : 60 Years, Occupation: Retired,
Residing at Datta Prasad Kusumgandh
Colony, Mahadeo Nagar, Islampur,
Taluka Walwa, District Sangli.
3. Mynepalli Iswarkishore,
Age: 62 Years, Occupation: Retired,
Residing at Plot No.75, 'Shree',
Opposite S. G. M. College, Vidyanagar,
Behind Yash Cmplx, Karad 415 124.
4. Jadhav Dattaji Balkrushna,
Age: 63 Years, Occupation: Retired,
Residing at 16, United Western
Bank Colony, Shahuh Nagar,
Powai Naka, Godoli, Satara 415 001.
5. Bagal Kantilal, Age: 61 Years,
Occupation : Retired, Residing
At Bhagyashri, 102/03, Plot No.12,
Karmayogi Nagar, Link Road,
Pandharpur, District : Solapur 413 304.

6. Kadam Dilip Anandrao,
Age: 63 Years, Occupation: Retired,
Residing at and Post Masuchiwad,
Taluka : Walwa, District : Sangli.
7. Killedar Shripati Govind,
Age: 81 Years, Occupation : Retired,
Residing at Plot No.157/2, A Ward,
T. P. II, Dudhali, Kolhapur.

Vs.

1. The State of Maharashtra,
Through its Secretary of
Ministry of Higher and Technical
Education, Mantralaya,
Mumbai – 400 032.
2. The Director of Education,
(Higher Education), Maharashtra State,
Central Building, Pune – 411 001.
3. The Joint Director of Higher Education,
Kolhapur, District : Kolhapur.
4. The Senior Auditor,
Higher Education (Grants),
Kolhapur Region, Kolhapur.
5. The Principal Accountant
General (A&E)-I, 2nd Floor,
Pratishtha Bhavan, New Marine Lines,
101 Maharshi Karve Road,
Mumbai – 400 020.
6. Shivaji University through its
Registrar, Vidyanaagar,
Kolhapur – 416 004.

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Mr. C. G. Gavnekar (Through VC) with Mr. S. C. Mangle & Mr. A. S. Jambilkar, Advocate for the Petitioners.

Mr. A. I. Patel, Additional Government Pleader, for the Respondent Nos.1 to 5-State.

Mr. Vikram N. Walawalkar (Through VC), Advocate for the Respondent No.6.

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**CORAM : MRS. VRUSHALI V. JOSHI,
SANDESH D. PATIL, JJ.**

RESERVED ON : 21st JULY 2026

PRONOUNCED ON : 3rd AUGUST 2026

JUDGMENT :- (Per Vrushali V. Joshi, J.)

1. **Rule.** Rule made returnable forthwith. Heard finally by consent of the parties.

2. The Petitioner Nos.2 to 7 worked as a 'Lecturers/University Teachers' and retired between 28th February 1997 and 31st May 2018 from the various colleges in the State of Maharashtra. The Petitioner No.1 is the Association of the teachers working in the colleges affiliated to Shivaji and Sholapur Universities.

3. The Petitioner Nos.2 to 7 were appointed as a Lecturer in the affiliated colleges. They were entitled to the Provident Fund, which was accordingly deducted from their salaries. The Petitioners further state that the State of Maharashtra introduced Pension Scheme

giving option the Lecturers to change from Contributory Provident Fund ('CPF') to Pension Scheme. The Petitioners did not exercise the said option and therefore, continued with the CPF Scheme and were paid amounts at the time of their retirement.

4. During their employment, the Petitioner Nos.2 to 7 requested the Respondent No.1 and its Officers to permit them to change their option, but they were denied. The Petitioner No.1 and other Unions made several representations to the State of Maharashtra requesting them to permit its members, who have not opted for pension scheme and has continued with the CPF Scheme to exercise the option. The requests made by the Petitioner Nos.2 to 7 and other similarly situated persons came to be rejected.

5. The State of Maharashtra considering the issue of exercising the option came out with a Government decision through the Department of Higher and Technical Education dated 23rd June 2015, wherein it was made clear that those teaching and non-teaching staff, who had initially opted for CPF and thereafter, opted for Pension Scheme, they would be permitted to exercise the said option, provided they agree to deposit the amount of Provident Fund

received by them along with the interest with the Government and thereafter, they would be governed by the Pension Scheme.

6. It is the contention of the Petitioners that they are covered by Clause 3 of the said decision, which permits them to exercise the option of Pension Scheme, though they have received the amount of the Provident Fund on their retirement. The said decision contemplates that the Petitioners Nos.2 to 7, on depositing the amount of Provident Fund received by them alongwith interest with the State Government, would be governed by Pension Scheme.

7. Prior to the said decision and after the said decision, they approached the State Government and their Officers requesting them to permit them to exercise the option and transfer them under Pension Scheme. The said requests have been turned down by the Officers of Respondent No.1 on the assumption that it was not permissible for them to exercise option, once they have accepted to exercise their option for CPF.

8. Similarly situated Teachers approached the Nagpur Bench of this Court by filing Writ Petition No.109 of 2009, which came to be

dismissed on 19th November 2009 and the Review filed therein was also came to be dismissed by Order dated 25th June 2012.

9. Being aggrieved by said Judgment and Order passed by the Courts, the Petitioner therein Maya d/o. Hariharrao Deshpande challenged the same by filing Special Leave to Appeal (C) Nos.37976-37977 of 2012, which came to be numbered as Civil Appeal Nos. 2734-2735 of 2019, which is allowed. While passing the order, the Supreme Court observed that the case of the said Petitioner was covered by the said Resolution as per Clauses 1 to 3. By taking said decision on record, the Supreme Court was pleased to set aside the above said Judgments and Orders and disposed of said appeal.

10. In view of the said decision, another Writ Petition No.5969 of 2010 filed before the Nagpur Bench of this Court came to be disposed of by Judgment and Order dated 2nd July 2019. It was allowed by relying upon the Judgment and Order of the Supreme Court.

11. The Petitioners have stated that the option sought to be

exercised by Petitioner Nos.2 to 7 is identical with the decision mentioned herein above and the said decision directly covers the case of the Petitioners. Hence, prayed for direction to the Respondents to consider the request made by the Petitioner Nos.2 to reconsider the option given by them. They are willing to comply with the conditions as set out in said Government decision dated 23rd June 2015.

12. The counsel for Petitioners has also placed on record the Judgment passed by this Court in the case of ***Dr. Jayawant Subhedar Chaudhari & Ors. v. The State of Maharashtra & Anr.***¹ This Court has considered the number of cases of similarly situated teachers, who had earlier opted for the Pension-cum-Gratuity Scheme. They were granted the benefit thereof upon refunding the amounts received by them under the CPF Scheme. In order to maintain parity and ensure equal treatment, the Petitioners cannot be denied the same benefit.

13. For the reasons given in the said decision, we are of the view that the Petitioners are entitled for the reliefs asked for. We, accordingly, direct the Respondents to undertake the exercise of extending the benefit of the Pension-cum-Gratuity Scheme to all the

1 Writ Petition No.13279 of 2024 Dtd. 30th June 2026.

Petitioners, recalculate the pensionary and other consequential retiral benefits payable to them and complete the entire exercise as expeditiously as possible and, in any event, within a period of four months from today.

14. In the event the Petitioners are required to refund the Management's share of the amount received by them under the CPF Scheme and they are willing to do so, such amount shall be deposited within a period of two weeks from the date on which the Respondents communicate the amount payable after this order is uploaded.

15. Upon such compliance, the Respondents shall ensure that the Pension-cum-Gratuity Scheme is made applicable to the Petitioners and that all consequential retiral benefits admissible thereunder are calculated and disbursed to the Petitioners in accordance with law.

16. The aforesaid exercise shall be completed within the stipulated period of four months. Liberty to apply in case of difficulty.

17. The Petition is accordingly partly allowed and disposed of.

(SANDESH D. PATIL, J.)

(MRS. VRUSHALI V. JOSHI, J.)