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

941 WRIT PETITION NO. 4733 OF 2019

1. Tarabai d/o Gujar Ahire
Age : 49 years, Occ : Service,
R/o Gurudatta Madhymaik Vidyalaya,
Karkhana site, Bhadne, Tq. Sakri,
District Dhule.

2. Kashinath S/o Bansilal Chaudhari
Age : 54 years, Occ : Service,
R/o Sharda Madhyamik Vidya Mandir,
Bhadne, Tq. Sakri, Dist. Dhule.

..PETITIONERS

-VERSUS-

1. The State of Maharashtra
Through its Secretary,
Education Department,
Mantralaya, Mumbai - 32

2. The Education Officer (Secondary),
Zilla Parishad, Dhule.

3. The Accounts Officer (Senior Auditor),
Education Department, Dhule,
Tq. and Dist. Dhule.

..RESPONDENTS

WITH
WRIT PETITION NO. 5937 OF 2019

1. Noormohmad Khan Amanullah Khan
Age : 42 years, Occ : Service,
R/o Alfalah High School Muktainagar,
Tq Muktainagar, Dist. Jalgaon.

2. Abdul Rahim Shaikh Usman Pinjari
Age : 51 years, Occ : Service,
R/o Aqsa Nagar, Skali, Tq. Yawal,
Dist. Jalgaon.

..PETITIONERS

-VERSUS-

1. The State of Maharashtra
Through its Secretary,
Education Department,
Mantralaya, Mumbai - 32

2. The Education Officer (Secondary),
Zilla Parishad, Jalgaon.

3. The Accounts Officer (Senior Auditor),
Education Department, Jalgaon,
Tq. and Dist. Jalgaon.

..RESPONDENTS

WITH
WRIT PETITION NO. 14709 OF 2019

1. Lotan S/o Vitthal Patil
Age : 46 years, Occ : Service,

2. Dhananjay S/o Baburao Wagh
Age : 57 years, Occ : Service,

Both R/o At Post. Ranaiche,
Tq. Amalner, Dist. Jalgaon.

..PETITIONERS

-VERSUS-

1. The State of Maharashtra
Through its Secretary,
Education Department,
Mantralaya, Mumbai - 32

2. The Education Officer (Secondary),
Zilla Parishad, Jalgaon.

3. The Accounts Officer (Senior Auditor),
Education Department, Zilla Parishad, Jalgaon,
Tq. and Dist. Jalgaon.

..RESPONDENTS

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Advocate for the Petitioner : Mr. Pawar Ajay D.
AGP for Respondent/State : Mr. M.K. Goyanka

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CORAM : NITIN B. SURYAWANSHI AND

VAISHALI PATIL-JADHAV, JJ.

DATED : 18th MARCH, 2026.

ORAL JUDGMENT (PER NITIN B. SURYAWANSHI, J) :

. Heard. Rule. Rule made returnable forthwith. Matters are taken up for final hearing at the stage of admission by consent and request of the parties.

2. As common issue is arising in all these Petitions, they are taken up to decide together. Writ Petition No. 4733/2019 is taken as leading case for consideration of facts and other material.

3. The Petitioners by this petition are challenging the validity and propriety of the Government Resolution dated 14.03.2024, which implements the second benefit under the Modified Assured Career Progression Scheme to the non-teaching employees of the grant-in-aid schools, after completion of 24 years of service, from 01.01.2024. The Petitioners are further seeking directions to release the consequential benefits namely revised pay fixations, arrears of salary, revised retirement benefits, monthly pension and directions to release all monetary benefits.

4. The Petitioners are non-teaching employees working in Secondary schools in the State of Maharashtra in Group-C and Group-D posts. In order to avoid stagnation in promotion, the State Government has implemented a Time Bound Promotion Scheme dated 08.06.1995, which was later cancelled and replaced by the Assured Career Progression Scheme (hereinafter referred to as “ACPS”) vide

Government Resolution dated 20.07.2001.

5. The ACPS was modified as per Government Resolution dated 01.04.2010 and grant of first benefit (Senior Scale) after completion of 12 years of service from the date of joining and second benefit after completion of 24 years of service was made applicable to employees of Government, Zilla Parishad, Municipal Councils, Corporations, Universities and teachers of grant-in-aid schools. The modified ACPS was implemented with effect from 01.10.2006.

6. It is contended that after 14 years, the Respondent No. 1 issued a Government Resolution dated 14.03.2024, thereby granting second benefit after service of 24 years to the non-teaching employees of grant-in-aid schools with effect from 01.01.2024. It is the contention of the Petitioners that they are eligible for the second benefit from their respective due dates immediately after completion of their 24 years service.

7. It is the contention of the Petitioners that, the Government Resolution dated 01.04.2010 was made applicable to the employees of the Government and teaching staff from 01.10.2006 and therefore the implementation date of the Government Resolution dated 14.03.2024 is discriminatory and arbitrary.

8. It is further contended by the Petitioners that the issue of grant of second benefit after 24 years of service to the non-teaching employees of grant-in-aid schools has been already decided by this Court in Writ Petition No. 334/2018 vide its judgment and order dated 04.10.2018 and the employees were held to be entitled from due dates

along with all consequential benefits and was made applicable to all the non-teaching employees of the schools in the State.

9. In support of their claim, the learned counsel for the Petitioners have relied on judgment in **Writ Petition No.334/2018 (Shri Suresh Bhanudas Shinde & Anr. vs. The State of Maharashtra & Ors.) with other connected matters, dated 04.10.2028**.

10. Per Contra, the Respondent No.1 and 2 in their reply have contended that, ACPS is an incentive scheme and not a statutory right of the employees. The implementation of ACPS is not a statutory obligation of the State Government and therefore the employees cannot claim benefits as a matter of right under the scheme. It is further contended that the State Government is the only competent authority to take policy decision regarding the employees in this matter and therefore the petitions are liable to be quashed and set aside.

11. It is further contended by the Respondents that, the nature of work provided by the teaching and non-teaching staff of the schools is different from each other and the non-teaching employees are not the Government Employees of the State, therefore, the Petitioners cannot claim parity with the Teaching Staff of the Government. It is contention of the learned AGP that it is a policy decision and many factors affecting to give the date of implementation in the GR. In support of arguments, learned Assistant Government Pleader has relied on ***State of Maharashtra & Anr. vs. Bhagwan & Ors., with connected matters, reported in (2022) 4 SCC 193***.

12. Heard learned counsel for the respective parties at length.

Perused the documents placed on record and considered the citations relied on by the learned Counsel for the parties.

13. In the judgment of this Court at Principal Seat in Writ Petition No.334 of 2018 and connected matters, it is held as follows :-

> *"5 Having regard to the fact that there are already precedents by way of order passed in Writ Petition No.922 of 2014 and Writ Petition No.924 of 2014, we deem it appropriate to follow the said precedents. We are also informed by the Learned Counsel appearing on behalf of the Petitioners that the second benefit is already extended by the Higher Education Department by Government Resolution dated 15-2-2011 to the teaching staff, as also the teachers working in the School Education Department are getting the said benefit. We therefore find no reason as to why the said benefit cannot be extended to the Petitioners above named. The above Petitions are accordingly allowed to the extent of directing the Respondents to grant the second benefit after 24 years of service to the Petitioners, if they are entitled to the same. The same to be done within 8 weeks from date. Rule is accordingly made absolute in the aforesaid terms.*
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> *6 We hope and trust that the Respondents would extend the benefit of the Assured Career Progression Scheme in so far as the second benefit after 24 years is concerned to all the non teaching staff who are similarly situated as the Petitioners above named and it would not be necessary for them to approach this court for getting the said relief."*

14. This Court at Nagpur Bench has delivered a judgment in Writ Petition No.6626/2024 and connected Writ Petition on 12.03.2026, wherein by placing reliance on the decision in Writ Petition Nos.334/2018, 922/2014 and 924/2014, it is held as follows :-

"16. Our attention is drawn to the GR dated 14/03/2024 by which the second ACPS is made applicable with effect from 01/01/2024. In view of the observations made in Writ Petition No.334 of 2020 along with connected matters (supra), the judgment was made applicable to all the non-teaching staff at the private grant-in-aid schools. the petitioners in the said petition were granted the relief of second benefit of ACPS from the completion of 24 years of service from their first appointment. The arrears of salary and all consequential benefits were also granted. Thus, implementation of second benefit of ACPS as per GR dated 14/03/2024 is contrary to the directions issued by this Court in the judgment in Writ Petition No.334 of 2018 along with connected matters (supra). Thus, the stipulation on the date of implementation of second ACPS is arbitrary and against the decision of this Court. As such, we proceed to pass following order.

ORDER

(i) Both the writ petitions are allowed.

(ii) The impugned GR dated 14/03/2024 to the extent that it is made applicable to the non-teaching staff with effect from 01/01/2024 with retrospective effect is hereby quashed and set aside.

(iii) The respondents are hereby directed to grant second benefit of ACPS to the petitioners from the date mentioned in the chart at Annexure-A in Writ Petition No.6626 of 2024 and Chart reproduced in para-2, page-4 in Writ Petition No.4049 of 2024 as per the provisions of GR dated 01/04/2010. However, the same is subject to examination of individual cases for deciding whether they satisfy the criteria laid down for availability of the benefit of ACPS.

(iv) The petitioners shall have to satisfy the requisite eligibility criteria.

(v) We direct the respondents to apply second ACPS to the petitioners as early as possible preferably within a period of six months. Needless to mention here that the petitioners are entitled to all the consequential benefits, i.e. revised pay fixation, arrears of salary, revised retirement

benefits, monthly pension, which have been released, within a period of six months from the date of this order."

15. Since this Court has already quashed and set aside the impugned Government Resolution dated 14/03/2024 to the extent it is made applicable to non-teaching staff w.e.f. 01.01.2024 with retrospective effect, Writ Petitions deserve to be allowed. Hence the following order :-

ORDER

(i) Both the writ petitions are allowed.

(ii) The respondents are hereby directed to grant second benefit of ACPS to the petitioners from the date immediately after completion of their 24 years service as per the provisions of GR dated 01/04/2010. However, the same is subject to examination of individual cases for deciding whether they satisfy the criteria laid down for availability of the benefit of ACPS.

(iii) The petitioners shall have to satisfy the requisite eligibility criteria.

(iv) We direct the respondents to apply second ACPS to the petitioners as early as possible preferably within a period of six months. Needless to mention here that the petitioners are entitled to all the consequential benefits, i.e. revised pay fixation, arrears of salary, revised retirement benefits, monthly pension, which have been released, within a period of six months from the date of this order.

16. Rule is made absolute in the above terms. No costs.

(VAISHALI PATIL-JADHAV,J.) **(NITIN B. SURYAWANSHI,J.)**

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