

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11366 OF 2015**

1. Sakharam S/o Sayyanna Palewar
Age : 49 years, Occ : Service,
R/o Arjapur, Tq. Billoli, Dist. Nanded.
2. Maroti S/o Datta Dharshanwad
Age : 38 years, Occ : Service,
R/o Bhosi, Tq. Bhokar,
Dist. Nanded.
3. Hanumant S/o Dhondiram Mote
Age : 42 years, Occ : Service,
R/o Divashi (Bk), Tq. Bhokar,
Dist. Nanded.
4. Ambadas S/o Baliram Gaikwad
Age : 43 years, Occ : Service,
R/o Bendri, Tq. Bhokar,
Dist. Nanded.

...PETITIONERS

VERSUS

1. The State of Maharashtra,
(Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai 32)
2. The Commissioner,
Tribal Development, Nashik.
3. The Additional Commissioner,
Tribal Development, Amravati.
4. The Project Officer,
Integrated Tribal Development Project,
Kinwat, Dist. Nanded.

...RESPONDENTS

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Mr.V. A. Dhakne, Advocate for petitioner.
Mr. S.R. Yadav, AGP for Respondents No. 1 to 4

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**CORAM: S.S.SHINDE
AND
P.R.BORA, JJ.**

Date: December 15th, 2015

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ORAL JUDGMENT :- (Per S.S.Shinde, J.)

1) Heard. Rule. Rule made returnable and heard forthwith with the consent of learned Counsel for parties.

2) This petition is filed seeking directions to the Respondent No.3 to grant the higher pay scale to the petitioners under Assured Career Progress Scheme with effect from 15.11.2010, 31.08.2009, 11.06.2007 and 11.06.2012 respectively on account of completion of 12 years of services from the date of initial appointments.

3) The learned Counsel for the Petitioners invited our attention to the unreported judgment of the Division Bench of the Bombay High Court at Principal Seat in the case of Kiran Namdeo Shinde and ors. Vs. The State of Maharashtra and ors., and connected petitions thereto, delivered on 21st September, 2013, and submits that, the High Court has given a declaration that, benefit of Assured Career Progress Scheme (for short 'the ACPS') which is applicable to the employees of Group 'C' and 'D'

non teaching staff of the aided private schools in the State under the Government Resolution dated 30th April, 1998, as modified from time to time, shall be available to the non teaching staff of the same category in the private aided Ashram Schools. Therefore, according to the learned Counsel for the Petitioners, once such declaration is there, same would apply even to the Group 'C' and 'D' employees working under the Tribal Development Department.

4) On the contrary, learned A.G.P. appearing for the respondents, vehemently opposed the prayer made in the petition, and submits that, concerned Department has issued instructions to all of the officers and relying upon the instructions issued by the Department in the Mantralaya, the Additional Commissioner, Tribal Development, Amravati, has passed the impugned order.

5) We have heard learned Counsel appearing for the petitioners, learned A.G.P. appearing for respondents , and with their able assistance, perused the impugned letter, contents of the petition, annexures thereto and the judgment in the case of Kiran Namdeo Shinde and ors. Vs. The State of Maharashtra and ors. (cited supra). It is not in dispute that even in the case of employees working under Group C and D from the Tribal

Development Department, the High Court has issued directions to respondent no.1 to consider the cases of the employees working in Group C and D non teaching staff of the aided private schools, working under the Tribal Development Department, for the benefit of ACPS.

6) In that view of the matter, the respondents are directed to examine the case of the petitioners for deciding whether they satisfy the criteria laid down for claiming benefits under the ACPS to the private aided Government schools under the Government Resolution dated 30th April 1998, as modified from time to time, and if it is found that the petitioners are entitled to claim benefits under the Scheme, and they satisfy the eligibility criteria, the respondents shall extend the benefits to the petitioners. The respondents shall scrutinize the cases of the petitioners within a period of six months, and extend them the benefits as expeditiously as possible, and preferably within a period of four months from such scrutiny.

. Rule made absolute in above terms. The writ petition stands disposed of in above terms.

(P . R . B O R A)
JUDGE

(S . S . S H I N D E)
JUDGE

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