

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1085 OF 2016

- 1] Shivdas s/o. Vitthalrao Gutte,
Age 48 years, Occ. Service,
- 2] Sahebrao s/o. Meharbhan Rathod,
Age 50 years, Occ. Service,
- 3] Rukhminibai w/o. Nivrutti Mirase,
Age 51 years, Occ. Service,
- 4] Limbabai w/o. Sitaram Karale,
Age 52 years, Occ. Service,
- 5] Dilipkumar s/o. Mohansingh Jadhav,
Age 52 years, Occ. Service,

All r/o. Jay Durga Adiwashi Ashram
School, Sakhartala Road, Jintoor,
Tq. Jintoor, Dist. Parbarni ..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, Kalamnuri, Dist.Hingoli ..Respondents

Mr.V.A.Dhakne, advocate for petitioners

Mr.V.S.Badakh, AGP for respondents - State

--

**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : APRIL 07 , 2016**

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

Heard.

2] Rule. Rule made returnable forthwith. By consent of learned counsel for the parties, the petition is taken up for final disposal.

3] This petition is filed for direction to respondent no.4 to consider the proposals of the petitioners for granting higher pay scale under Assured Career Progress Scheme on account of completion of twelve years of service by them.

4] 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.***, passed in Writ Petition No.2358 of 2013 and connected petitions 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 Petitioner, once such declaration is there, same would apply even to the Group 'C' and 'D' employees working under the Tribal Development Department.

5] We have heard learned Counsel appearing for the petitioners, learned A.G.P. appearing for the respondents. With their able assistance, perused the impugned letter, contents of the petition, annexures thereto and the judgment in the case of **Kiran Namdeo Shinde** (supra). It is not in dispute that even in the case of the 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 cases 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.

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

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

kbp