

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6197 OF 2016

1. Balaji Ramrao Sutar
Age : 42 years, Occ.: Service as
Hostel Superintendent,
R/o. C/o Sant Maroti Maharaj
Kanegaonkar Ashram School,
Bhosga, Ta. Lohara,
District Osmanabad
2. Tejabai Krishnath Kore,
Age 40 years, Occu. Service,
as Cook, R/o. Primary Ashram
School, Mardi,
Ta. Lohara, District Osmanabad
3. Dhondiram Revappa Rathod,
Age 49 years, Occ. Service,
as Kamathi, R/o. Primary Ashram
School, Mardi,
Ta. Lohara, District Osmanabad
4. Anil Baburao Somwanshi
Age 41 years, Occ. Service,
R/o Primary Ashram School,
Mardi, Ta. Lohara,
District Osmanabad
5. Shivanand Shankarrao Mule,
Age 42 years, Occ. Service,
as Cook, R/o. Primary Ashram
School, Mardi, Ta. Lohara,
District Osmanabad
6. Balaji Bhagwan Pathak,
Age 46 years, Occ. Service as
Hostel Superintendent,
R/o Indira Gandhi Adarsh Primary
Ashram School, Horti, Ta. Tuljapur,
District Osmanabad.

7. Rajendra Bhaskarrao Solankar
Age 39 years, Occ. Service as
Hostel Superintendent,
R/o Nanduram Ashram School,
Bahusaheb Nagar, Balsur,
Ta. Omerga, District Osmanabad
8. Janabai Mukund Chavan,
Age 46 years, Occ. Service as
Cook, R/o Nanduram Ashram School,
Bahusaheb Nagar, Balsur,
Ta. Omerga, District Osmanabad
9. Rohidas Gopal Jadhav
Age 44 years, Occ. Service
as Kamathi, R/o. Nanduram Ashram
School, Bahusaheb Nagar,
Balsur, Ta. Omerga,
District Osmanabad
10. Kundiba Tanaji Fattepure
Age 36 years, Occ. Service as
Madatnis, R/o Sant Dnyanashwawr
Ashram School, Umergavan,
Ta. and District Osmanabad
11. Ram Shankar Wadar,
Age 39 years, Occ. Service as
Kamathi, R/o Sant Dnyanashwar
Ashram School, Umregavan,
Ta. and District Osmanabad
12. Saraswati Machindra Jadhav,
Age 45 years, Occ. Service as
Cook, r/o Eklavya Primary School,
Manglur (Yemgarwadi),
Ta. Tuljapur,
District Osmanabad
13. Lata Kishan Jadhav
Age 45 years, Occ. Service as Cook,
R/o Eklavya Primary School,
Manglur (Yemgarwadi), Ta. Tuljapur,
District Osmanabad

14. Sujata Palasram Ganvir
Age 49 years, Occ. Service as
Assistant Cook, R/o Eklavya Primary
School, Manglur (Yemgarwadi),
Ta. Tuljapur, District Osmanabad
15. Ramakant Gapinath Pawar,
Age 37 years, Occ. Service as
Kamathi, R/o Eklavya Primary School,
Manglur (Yemgarwadi), Ta. Tuljapur,
District Osmanabad
16. Mangal Vithal Shinde
Age 45 years, Occ. Service as
Cook, R/o Mauli Ashram School,
Koregaon, Tq. Omerga,
District Osmanabad
17. Laxman Maruti Wadikar,
Age 44 years, Occ. Service as
Madatnis, R/o Mauli Ashram School,
Koregaon, Tq. Omerga,
District Osmanaba
18. Bhamabai Dashrath Warkad
Age : 46 years, Occ. Service as
Cook, R/o Mauli Ashram School,
Koregaon, Ta. Omerga,
District Osmanabad
19. Govind Sopan Lalekar
Age : 43 years, Occ. Service as
Kamathi, R/o Mauli Ashram School,
Koregaon, Ta. Omerga,
District Osmanabad
20. Vijaykumar Vithalrao Hude,
Age 42 years, Occ. Service as a
Peon, R/o Venutai Yeshwantrao Ashram
School, Nilanga,
Ta. Nilanga, District Latur
21. Venkatrao Baburao Jadhav
Age 52 years, Occ. Service as
Kamathi,

R/o Venutai Yeshwantrao Ashram
School, Nilanga, Ta. Nilanga,
District Latur

22. Meerabai Gopalrao Madibone
Age 52 years, Occ. Service as Cook,
R/o Venutai Yeshwantrao Ashram
School, Nilanga, Ta. Nilanga,
District Latur
23. Mallava Dagdu Mane
Age 40 years, Occ. Service as Cook,
R/o Venutai Yeshwantrao Ashram
School, Nilanga, Ta. Nilanga,
District Latur
24. Kalyan Tatarao Bhalerao
Age 40 years, Occ. Service as Kamathi,
R/o Anandrao Naik Primary Ashram
School, Saptadarwadi, Ta. Ausa,
District Latur
25. Gunabai Ishwar Rathod
Age 50 years, Occ. Service as Cook,
R/o Anandrao Naik Primary Ashram
School, Saptadarwadi, Ta. Ausa,
District Latur
26. Sidram Hiru Raut
Age 53 years, Occ. Service as Madatnis,
R/o Anandrao Naik Primary Ashram
School, Saptadarwadi,
Ta. Ausa, District Latur
27. Hirubai Laxman Ade
Age 46 years, Occ. Service as Cook,
R/o Anandrao Naik Primary Ashram
School, Saptadarwadi, Ta. Ausa,
District Latur
28. Fulabai Narayan Chavan
Age 47 years, Occ. Service as Cook,
R/o Sahara Primary Ashram School,
Astha (Kasar), Ta. Lohara,
District Osmanabad

29. Pandurang Tukaram Rathod
Age 40 years, Occ. Service as Cook,
R/o Sahara Primary Ashram School,
Astha (Kasar), Ta. Lohara,
District Osmanabad
30. Ashok Bal Pawar
Age 45 years, Occ. Service as Madatnis,
R/o Sahara Primary Ashram School,
Astha (Kasar), Ta. Lohara,
District Osmanabad
31. Santosh Rameshwar Pawar
Age 38 years, Occ. Service as Kamathi,
R/o Sahara Primary Ashram School,
Astha (Kasar), Ta. Lohara,
District Osmanabad

...PETITIONERS

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai
2. The Director,
V.J.N.T., OBC and SBC Special
Assistant Department,
Maharashtra State, Pune
3. The Regional Deputy Commissioner,
Social Welfare Latur Division, Latur
4. The Assistant Commissioner,
Social Welfare Department, Latur
5. The Assistant Commissioner,
Social Welfare Department, Latur
6. Sant Maroti Maharaj Kanegaonkar
Ashram School, Bhosga, Ta. Lohara,
District Osmanabad
Through Headmaster

7. Primary Ashram School, Mardi,
Ta. Lohara, District Osmanabad,
Through Headmaster
8. Indira Gandhi Adarsh Primary
Ashram School, Horti, Ta. Tuljapur,
District Osmanabad.,
Through Headmaster
9. Nanduram Ashram School,
Bahusaheb Nagar, Balsur,
Ta. Omerga, District Osmanabad,
Through its Headmaster
10. Sant Dnyanashwar
Ashram School, Umregavan,
Ta. and District Osmanabad,
Through its Headmaster
11. Eklavya Primary School,
Manglur (Yemgarwadi),
Ta. Tuljapur, District Osmanabad,
Through its Headmaster
12. Mauli Ashram School, Koregaon,
Ta. Omerga, District Osmanabad,
Through its Headmaster
13. Venutai Yeshwantrao Ashram
School, Nilanga, Ta. Nilanga,
District Latur,
Through its Headmaster
14. Anandrao Naik Primary Ashram
School, Saptadarwadi, Ta. Ausa,
District Latur,
Through its Headmaster
15. Sahara Primary Ashram School,
Ashtra (Kasar), Ta. Lohara,
District Osmanabad,
Through its Headmaster

... RESPONDENTS

Mr. Anand V. Patil-Indrale, Advocate for the Petitioners
Mr. K.D. Munde, A.G.P. for respondent Nos. 1 to 5

**CORAM : R.M. BORDE AND
SANGITRAO S. PATIL, JJ.**

DATE : 28th November, 2016

ORAL JUDGMENT (PER : R.M. BORDE, J.) :

Heard.

2. Rule. Rule made returnable forthwith. With the consent of the parties, the petition is taken up for final hearing and disposal at the admission stage.

3. The issue raised in the instant petition is no more *res integra* and is also covered by the judgment delivered by the Division Bench at the Principal Seat in Writ Petition No. 2358/2013 and other companion matters, decided on 21st September, 2013.

4. The aforesaid decision has been followed in number of matters, including a group of petitions bearing Writ Petition No. 7256/2011 and other companion matters, decided by the Division Bench of this Court on 2nd December, 2013, to which one of us (R.M. Borde, J.) is a member. In view of the decisions, referred to

above, the instant writ petition also deserves to be allowed and the same is accordingly allowed.

5. The respondents are directed to examine the cases of each of the individual petitioner 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 individual petitioners within a period of six months, and extend the benefits to such of the petitioners who are found eligible, as expeditiously as possible preferably, within a period of four months from such scrutiny.

6. Rule is made absolute in the above terms. The Writ Petition stands disposed of in the above terms.

Sd/-
[SANGITRAO S. PATIL]
JUDGE

Sd/-
[R.M. BORDE]
JUDGE