

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

918 WRIT PETITION NO. 11858 OF 2015

BHAGWAT BUDHO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Pawar Ajay D.
AGP for Respondents State:Mr. S. Y. Mahajan
Advocate for Respondents No.6 : Mr. Anudeep Sonar h/for
Mr. Mangesh G. Patil

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 23rd August, 2016

ORDER:

1. Mr. Pawar, the learned counsel for the petitioner, states that the petitioner was working as a Junior Clerk in Ashram School run by the Tribal Development Department. The petitioner was appointed on 19.06.1972 in respondent No.6 School. The petitioner received benefits of Time Bound promotion from 01.10.1994 as per Government Resolution dated 30.04.1998. The learned counsel submits that benefits granted to the petitioner cannot be withdrawn. Respondent Nos. 3 and 4 rejected the application of the petitioner for granting Time Bound Promotion/Assured Career Progress Scheme(ACPS) on the ground that the Finance Department has turned down the request of the petitioner for granting said benefits to the non-

teaching staff of Ashram Schools.

2. Learned counsel for the petitioner relied on various orders passed by this Court to state the benefit of ACPS under the Government Resolutions dated 27th March, 2000 and 30th April, 1998 is available even to the members of the non-teaching staff of Ashram Schools run by the Tribal Development Department.

3. Learned AGP states that the said Government Resolution extends benefits only to teaching staff and not to the non teaching staff and as such, the order is rightly passed.

4. In catena of orders, this Court has consistently held that the Government Resolutions dated 27th March, 2000 and 30th April, 1998 will also be applicable to the non-teaching staff members of the Ashram Schools run by the Tribal Development Department. In light of that, we follow the same recourse.

5. Impugned order is quashed and set aside.

6. The case of the petitioner for grant of benefit of ACPS/Time Bound Promotion shall not be rejected only on the ground that the said benefit is not extended to the members of the non teaching staff

of the Ashram School. The respondents shall scrutinize the case of the petitioner and consider the eligibility of the petitioner, however, shall not reject the claim of the petitioner only on the ground that Government Resolutions dated 27th March, 2000 and 30th April, 1998 are not applicable to the petitioner. Respondent No.4 shall decide the same expeditiously, preferably within a period of six months from today.

7. Writ petition is accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC