

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.3134 OF 2017

Narsinga Kisan Waghmare and others Vs. The State of Maharashtra and others.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.A.D.Pawar, advocate for the petitioners.
Mrs.M.A.Deshpande, Additional Government Pleader for the State.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 08.03.2017.

PER COURT :

1. Heard.
2. Issue notice to the Respondents.
3. Learned Additional Government Pleader accepts notice for Respondent Nos.1 to 4.
4. Mr.Pawar, learned counsel for petitioner states that the petitioners are working as a hostel superintendent in the Ashram School since 11.6.2001, 14.6.1999, 1.7.2002, 28.2.2003. The pay-scale given to the petitioners is that of an untrained hostel superintendent on the ground that the petitioners do not possess B.Ed. qualification. Learned counsel submits that in view of the

Government Resolution, dated 5.2.2000 decision has been taken to relax the condition of B.Ed. for hostel superintendent. Learned counsel submits that now H.S.C. is sufficient qualification for trained hostel superintendent.

5. Learned counsel relies on the judgment of the Division Bench of this Court dated 21.9.2016 in Writ Petition No.188 of 2016 and other Writ Petitions.

6. Mrs.Deshpande, learned Additional Government Pleader accepts notice for all the Respondents. Learned Additional Government Pleader, on going through the judgment in Writ Petition No.188 of 2016 affirms that the petitioners are similarly situated.

7. Considering the above, the petitioners would be entitled for salary of a trained hostel superintendent. The respondents shall treat the petitioners as trained hostel superintendents and pay salary accordingly. The difference in arrears shall also be paid expeditiously.

8. The learned counsel further submits that the petitioners are entitled for benefit of ACPS. According to the learned counsel, the petitioners are covered by the judgment of this Court at Principal seat in W.P.No.446/2015 decided on 15.6.2015. The learned Additional Government Pleader on going through the said order affirms that the petitioners are similarly situated.

9. In light of the above, we pass the following order :

(i) We declare that the benefit of 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 ;

(ii) The appropriate Authority appointed by the State Government shall examine the individual cases of the members of the petitioners for deciding whether they satisfy the criteria laid down for availability of the benefit of ACPS to the private aided Government Schools under the Government Resolution dated 30th April, 1998 as modified from time to time;

(iii) We make it clear that the petitioners' member will be entitled to the benefit of the said scheme, provided they satisfy the eligibility criteria which is prescribed for the corresponding non-teaching staff of the private aided Schools;

(iv) We grant time of six months to the respondents to scrutinize the cases of the members of the petitioner and to consider whether they are eligible for the benefit of ACPS;

(v) To those petitioners who are found eligible, the benefit shall be extended, as expeditiously as possible;

(vi) The writ petition is disposed of on above terms. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.08.03.2017.
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