

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

WRIT PETITION NO. 5758 OF 2017

Prakash Baburao Pawar and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Ajay D. Pawar, Advocate for Petitioners.
Shri P. N. Kutti, A.G.P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : 27TH APRIL, 2017.

PER COURT :

. Heard.

2. Learned Assistant Government Pleader accepts notice for Respondents.

3. Mr. Pawar, learned counsel submits that the issue in the present petition is covered by the order of this Court in various Writ Petitions such as W. P. No. 446 of 2015 decided on 15.6.2015. The learned A.G.P. on going through the said order and the present petition, affirms that the petitioners are similarly situated.

4. 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 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 petitioners 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.

[SANGITRAO S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 17