

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

WRIT PETITION NO.10500 OF 2016

Sanjay s/o. Balajirao Kakade,
Age : 34 years, Occ. Service,
r/o. Pu. Ahilyadevi Holkar
Prathmik Ashram School,
Hasapur,
Tq. and Dist. Nanded
and others

..Petitioners

Vs.

The State of Maharashtra,
Through its Secretary,
Social Justice and Special Help
Department, Mantralaya
Mumbai – 32
and others

..Respondents

AND

WRIT PETITION NO.11078 OF 2016

Prakash s/o. Pandurang Ghuge,
Age : 46 years, Occ. Service
r/o. Itoli (Tanda), Tq. Jintur,
Dist. Parbhani
and another

..Petitioners

Vs.

The State of Maharashtra,
Through Secretary,
Social Justice and Special Help
Department, Mantralaya,
Mumbai – 32
and others

..Respondents

AND

WRIT PETITION NO.11123 OF 2016

Prakash s/o. Nandu Rathod,
Age : 45 years, Occ. Service,
r/o. Wadoda-Bajar,
Tq. Phulambri,
Dist. Aurangabad

..Petitioners

Vs.

The State of Maharashtra,
Through Secretary,
Social Justice and Special Help
Department, Mantralaya,
Mumbai – 32
and others

..Respondents

AND

WRIT PETITION NO.12892 OF 2016

Pralhad s/o. Bhagwan Talekar,
Age : 36 years, Occ. Service,
r/o. Marathwadi Tanda,
Tq. Ashri, Dist. Beed
and others

..Petitioners

Vs.

The State of Maharashtra,
Through Secretary,
Social Justice and Special Help
Department, Mantralaya,
Mumbai – 32
and others

..Respondents

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Mr.D.S.Kudale, Advocate for petitioners in W.P.
No.10500 of 2016 and Mr.A.D.Pawar, Advocate for
petitioners in W.P. Nos.11078, 11123 and 12892 of
2016

Mr.S.B.Joshi, AGP for respondent nos.1 to 4

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATE : MARCH 06, 2017

ORAL JUDGMENT :

Rule, made returnable forthwith. With the consent of the learned Counsel for the parties, heard finally.

2. These petitions are filed for giving direction to the respondents to consider the claim of the petitioners for giving them benefit of the Assured Career Progress Scheme ("ACPS", for short).

3. The statements made by both sides show that the Division Bench of this Court at Principal Seat Bombay in Writ Petition No.2358 of 2013 (Kiran Namdeo Shinde and ors. Vs. The State of Maharashtra and ors.) and other companion Writ Petitions, vide the judgment delivered on 21.09.2013 has decided the issue of entitlement of the non-teaching staff of Ashram School to get

higher pay scale. That decision was followed by this Court in **Writ Petition No.1002 of 2016 (Ramling s/o. Amrutrao Patil and ors. Vs. The State of Maharashtra and ors.)** decided on **15.04.2016.**

4. As the point raised in this petition is no more *res-integra* in view of the judgment of the Division Bench in Writ Petition No.2358 of 2013, referred to above, we pass the following order :-

5. All the present Writ Petitions are allowed. The respondents are directed to examine the case of each individual petitioner for deciding whether, they satisfy the criteria laid down for claiming benefits under the ACPS to the private aided 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 ACPS and if they satisfy the eligibility

criteria, the respondents shall extend the benefits to the petitioners. The respondents shall scrutinize the case of the individual petitioner 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 six months from such scrutiny.

6. Rule made absolute in the above terms. The Writ Petitions stand disposed of accordingly.

Sd/-
[SANGITRAO S. PATIL, J.]

Sd/-
[T.V. NALAWADE, J.]

kbp