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

WRIT PETITION NO.10418 OF 2017

Vimalbai Digambar Jadhav,
Age: 48 years, Occ: Service as Cook
R/o. Chhatrapati Shahu Maharaj
Primary Ashram School, Hokarna
Tanda, Ta. Mukhed, Dist. Nanded
& anr

..PETITIONERS

VERSUS

The State of Maharashtra
Through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai & ors

..RESPONDENTS

Mr A.V. Patil (Indrale), Advocate for petitioner;
Mr A.K. Kale, A.G.P. for respondent Nos. 1 to 4

**CORAM : SHANTANU S. KEMKAR &
NITIN W. SAMBRE, JJ.**

DATE : 23rd AUGUST, 2017

ORAL ORDER :

Heard learned counsel appearing for the parties.

2. Learned counsel for the petitioners submits that the question involved in this petition has already been considered and decided by Division

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Bench of this Court in the case of Kiran Namdeo Shinde & others v. The State of Maharashtra & others in **Writ Petition No.2358/2013** alongwith companion petitions decided on 21.9.2013.

3] The aforesaid fact has not been disputed by the learned AGP.

4] In the circumstances, we dispose of this petition in terms of 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

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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 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 benefits of ACPs;

v] To those petitioners who are found eligible, the benefit shall be extended, as

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expeditiously as possible.

Vi] The writ petition is disposed of on above terms. No costs.

(NITIN W. SAMBRE, J.)

(SHANTANU S. KEMKAR, J.)

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