

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 11419 OF 2016

1. Shamrao s/o. Tulshiram Jadhav,
Age 45 years, Occu. Service,
2. Ramrao s/o. Chandar Rathod,
Age 43 years, Occu. Service,
3. Ramesh s/o. Umaji Jadhav,
Age 46 years, Occu. Service,
4. Kashinath s/o. Mahadu Koratwad,
Age 47 years, Occu. Service,

All R/o. Primary Ashram School,
Ramanaik Tanda, Tq. Kandhar,
Dist. Nanded.

....Petitioners.

Versus

1. The State of Maharashtra
(Through its Secretary
Social Justice and Special
Assistance Department,
Mantralaya, Mumbai - 32)
2. The Director,
V.J., N.T., O.B.C. and S.B.C.
Welfare, Maharashtra States,
Pune - 1.
3. The Regional Deputy Commissioner,
Social Welfare Department,
Latur.
4. The Assistant Commissioner,
Social Welfare Office,
Nanded.

....Respondents.

WITH
WRIT PETITION NO. 9445 OF 2016

1. Smt. Sangita d/o. Kamaji Lokhande,
Age 35 years, Occu. Service,
2. Vitthal s/o. Punjaji Chafe,
Age 36 years, Occu. Service,

Both R/o. Limbi, Tq. and Dist.
Hingoli.

....Petitioners.

Versus

1. The State of Maharashtra
(Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai - 32)
2. The Commissioner,
Tribal Development, Nashik.
3. The Additional Commissioner,
Tribal Development, Amravati.
4. The Project Officer,
Integrated Tribal Development
Project, Kalamnuri,
Dist. Hingoli.
5. The Project Officer,
Integrated Tribal Development
Project, Akola,
Dist. Akola.

....Respondents.

WITH
WRIT PETITION NO. 11377 OF 2016

1. Ulhas s/o. Kishanrao Rathod,
Age 47 years, Occu. Service,

2. Uttam s/o. Kishan Rathod,
Age 45 years, Occu. Service,
3. Smt. Chandrakala d/o. Rama Jadhav,
Age 45 years, Occu. Service,
4. Bhagwan s/o. Raghunath Ghuge,
Age 41 years, Occu. Service,
5. Balaji s/o. Bhanudas Patewar,
Age 45 years, Occu. Service,

R/o. Primary Ashram School,
Vithalnagar, Loha, Tq. Loha,
Dist. Nanded.

....Petitioners.

Versus

1. The State of Maharashtra
(Through its Secretary
Social Justice and Special
Assistance Department,
Mantralaya, Mumbai - 32)
2. The Director,
V.J., N.T., O.B.C. and S.B.C.
Welfare, Maharashtra States,
Pune - 1.
3. The Regional Deputy Commissioner,
Social Welfare Department,
Latur.
4. The Assistant Commissioner,
Social Welfare Office,
Nanded.

....Respondents.

Mr. V.A. Dhakne, Advocate for petitioners.

Mr. S.B. Joshi, A.G.P. for respondents.

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**
DATED : February 14, 2017.

ORAL JUDGMENT :

Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2) The petitioners are non-teaching staff of private aided Ashram schools. It is their contention that they completed 12 years of service on the present post, long back. Some petitioners have contended that they completed their 12 years of service in the year 2004, some have contended that they completed their 12 years of service in the year 2005 and some contended that they completed their 12 years of service subsequently, but prior to 2012. Thus, all of them, according to them, have completed 12 years of service prior to 2012 and according to them, they are entitled to get the benefit of Government's Assured Career Progress Scheme. It is their contention that the respondents are not considering their matters and

not giving the benefits.

3) The learned counsel for petitioners placed reliance on the decision given by this Court on **7.10.2014 in Writ Petition No. 8441 of 2014 [Sitaram Guja Rathod and Ors. Vs. The State of Maharashtra and Ors.]** and submitted that in similar case, this Court held that even non-teaching staff, Group "C" and Group "D" staff of private schools are entitled to the benefits of the said scheme.

4) In view of aforesaid submissions and decision given by this Court in aforesaid Writ Petition, this Court holds that it is necessary for respondents to consider the cases of petitioners for giving benefit of aforesaid scheme.

5) The respondents are hereby directed to consider the cases of petitioners within six

months and if they are found eligible, they are to be given benefit of the aforesaid scheme. The petitions are disposed of.

Rule is made absolute in aforesaid terms.

[SANGITRAO S. PATIL, J.] [T.V. NALAWADE, J.]

ssc/