

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

1064 WRIT PETITION NO. 14729 OF 2017

VIJAY SAJAN PATIL AND ORS.

VERSUS

THE STATE OF MAHARASHTRA AND ORS.

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Mr. Sachin S.Deshmukh, Advocate for Petitioners.

Mr. M.M.Nerlikar, A.G.P. for Resp. - State.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**

DATE : 20th DECEMBER, 2017

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ORAL ORDER :

1. Mr. Deshmukh, learned counsel for the petitioners submits that the petitioners are the employees of non-teaching staff working in private aided school and are denied the benefits of Assured Career Progress Scheme [ACPS] on completion of 12 years.

2. Heard learned A.G.P. for respondent Nos. 1

to 3.

3. The issue is now no res-integra in view of the order passed by this Court. This Court passed order on 02/09/2014 in W.P. No. 5047 of 2014, allowed the petition and directed the respondents to grant benefits of time bound promotion/ACPS as per G.R. dated 30/04/1998.

4. In view of that, 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;

[vii] Writ Petition is disposed of on above terms.
No costs.

[V.L.ACHLIYA, J.]

[S.V.GANGAPURWALA,J.]