

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5538 OF 2017

Jagtap Rajendra Narayan and Others ...Petitioners
vs.
State of Maharashtra and Others ...Respondents

Mr. Amit Gharte, for the Petitioner
Ms. R.M. Shinde, AGP for the Respondents-State.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : JUNE 20, 2017

P.C.:

. Parties through their counsel.

2. We find that the question involved in this Petition has already been considered and decided by various orders of the Division Bench of this Court including in the case of **Kiran Namdeo Shinde and Others vs. State of Maharashtra and Others** in **Writ Petition No. 2358 of 2013** and other connected matters decided on **21st September, 2013**. The operative portion of the said order reads thus:

“21. Hence, we dispose of the petitions, by passing 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 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) Petitions are disposed of on above terms.”

3. The cases of (1) **Sunil Tukaram Ukande and Others vs. The State of Maharashtra and Ors.** in **Writ Petition No. 7256 of 2011** decided on **2nd December, 2013**; (2) **Prashant Anandrao Borse vs. State of Maharashtra and Others** in **Writ Petition No. 4202 of 2012** decided on **21st January, 2014** are also decided in terms of the aforesaid order.

4. Keeping in view the aforesaid, we dispose of this Petition in terms of the order passed in the aforesaid cases as recorded in paragraph No. 2 above.

5. The Competent Authority of the Respondents to consider and take appropriate decision in terms of the said directions within four months from the receipt of copy of this order.

6. Accordingly, the Petition stands disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)