

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9178 OF 2018

Dhondiba Nivrutti Wangate
& others

Petitioners

Versus

The State of Maharashtra
& others

Respondents

Mr. S.N. Patil, advocate for petitioners.
Mr. S.B. Yawalkar, A.G.P. for respondents no. 1 and 2.
Mr. V.B. Jadhav, advocate for respondents 3 to 5.

**CORAM : R.M.BORDE &
MANGESH S. PATIL, JJ.**

DATE : 1st November, 2018

PER COURT:

1. The issue raised in the instant petition is no more *res-integra* and is covered by decision recorded in Writ Petition No. 2358/2013 and other connected matters decided on 21.09.2013 and also judgment dated 04.10.2018 in Writ Petition no. 334/2018 and other connected matters.

2. We find that the later judgment dated 04.10.2018 in Writ Petition No. 334/2018 and other connected matters, at Bombay, this Court has in paragraph no. 6 concluded that the respondent-State would extend benefit of the said Scheme to all non teaching staff similarly situated though they have not filed any petition before the High Court. The Division Bench of this Court has, in turn, looked into the judgment dated 26.04.2013. We need not dilate more on this issue.

3. The judgment dated 21.09.2013 in Writ Petition No. 2358/2013 is clearly attracted in present matters. There the respondents have also been asked to verify the facts of each case to find out eligibility of incumbent for the Scheme.

4. Accordingly, we pass the following order :-

(i) We declare that the benefits 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 and 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.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE

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