

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9284 OF 2018**

Anil Ramchandra Mane & Ors

..Petitioners

Vs.

The State of Maharashtra & Ors

..Respondents

**WITH
WRIT PETITION NO.7280 OF 2018**

Sanjaysinh Gaikwad & Anr

..Petitioners

Vs.

The State of Maharashtra & Ors

..Respondents

**WITH
WRIT PETITION ST. NO.2277 OF 2018**

Ashokrao Rangrao Nagane & Ors

..Petitioners

Vs.

The State of Maharashtra & Ors

..Respondents

**WITH
WRIT PETITION ST. NO.3075 OF 2018**

**Maharashtra State Secondary School
Non Teaching Organization Corporation & Ors**

..Petitioners

Vs.

The State of Maharashtra & Ors.

..Respondents

Mr. S. S. Raut for the Petitioners

Mr. A. I. Patel Addl GP for the Respondent State

**CORAM :R. M. SAVANT, &
NITIN W. SAMBRE, JJ
DATE : 24th OCTOBER, 2018**

P.C.

1 Rule, made returnable forthwith and heard.

2 The above Petitions have been filed seeking benefit of Assured Career Progression Scheme as contained in the Resolution dated 15-2-2011 of the Higher Education Department, Government of Maharashtra, reference to which is made in the above Petitions. It is an undisputed position that the Petitioners have been granted first benefit after putting in 12 years of service and it is for the second benefit that is after putting in 24 years of service that the above Petitions have been filed.

2 The issue is no more res-integra and is covered by an order passed by this Bench (R.M.Savant and Nitin W. Sambre JJ) dated 4-10-2018 in Writ Petition No.334 of 2018 in the matter of Suresh Bhanudas Shinde & Anr. Vs. The State of Maharashtra through Principal Secretary & Ors. and companion matters. Paragraphs 5 and 6 of the said order are material and are reproduced herein under for the sake of ready reference:

5 Having regard to the fact that there are already precedents by way of order passed in Writ Petition No.922 of 2014 and Writ Petition No.924 of 2014, we deem it appropriate to follow the said precedents. We are also informed by the Learned Counsel appearing on behalf of the Petitioners that the second benefit is already extended by the Higher Education Department by Government Resolution dated 15-2-2011 to the teaching staff, as also the teachers working in the School Education Department are getting the said benefit. We therefore find no reason as to why the said benefit cannot be extended to the Petitioners above named. The above Petitions are accordingly allowed to the extent of directing the

Respondents to grant the second benefit after 24 years of service to the Petitioners, if they are entitled to the same. The same to be done within 8 weeks from date. Rule is accordingly made absolute in the aforesaid terms.

6 We hope and trust that the Respondents would extend the benefit of the Assured Career Progression Scheme in so far as the second benefit after 24 years is concerned to all the non teaching staff who are similarly situated as the Petitioners above named and it would not be necessary for them to approach this court for getting the said relief.

3 In the light of the above, the above Writ Petitions are also required to be allowed and are accordingly allowed. The Petitioners in the above Petition would accordingly be entitled to the second benefit under the Assured Career Progression Scheme after 24 years of service, if they are otherwise entitled to the same. The follow up action to be taken within 8 weeks from date. Rule is accordingly made absolute in the aforesaid terms with parties to bear their respective costs.

[NITIN W. SAMBRE, J]

[R.M.SAVANT, J]