

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 15797 OF 2017

1. Shivdas Aasupati Thorat
Aged Adult, Occupation – Service, residing
at Khamgaon, Taluka Barshi, District
Solapur.
2. Anant Dhondiba Shinde
Age Adult, Occupation – Service, Residing
at Khamgaon, Taluka Barshi, District
Solapur.
3. Mahesh Dattatray Kurund
Age Adult, Occupation – Service, Residing
at Khamgaon, Taluka Barshi, District
Solapur.
4. Vijay Narayan Surwase
Age Adult, Occupation – Service, Residing
at Khamgaon, Taluka Barshi, District
Solapur.
5. Mankarna Bharat Gapat
Age Adult, Occupation – Service, Residing
at Khamgaon, Taluka Barshi, District
Solapur.
6. Shri Borade Anant Sadashiv
Age Adult, Occupation – Service, Residing
at Khamgaon, Taluka Barshi, District
Solapur.
7. Shri Edake Santosh Vishvanath
Age Adult, Occupation – Service, Residing
at Khamgaon, Taluka Barshi, District
Solapur.

8. Shri Rohile Vitthal Balasaheb
Age Adult, Occupation – Service, Residing
at Khamgaon, Taluka Barshi, District
Solapur.
9. Head Master, Secondary Ashram School
Khamgaon, Taluka Barshi, District Solapur.
10. Head Master, Primary Ashram School
Khamgaon, Taluka Barshi, District Solapur.
11. Chairman/Secretary, Shivaji Gram
Krishivikas Mandal Khamgaon, Taluka
Barshi, District Solapur.

...PETITIONERS

V E R S U S

1. The Assistant Commissioner
Social Welfare Office, Solapur.
2. The Secretary
Social Welfare & Justice Department.
3. The Director
VJNT, OBC & SBS, Welfare Department,
Pune.
4. The State of Maharashtra (Notice of
Respondent Nos.1 to 4 be served upon the
office of AGP, High Court, A.S.Mumbai.

...RESPONDENTS

Mr. Amol Dhamal I/by Mr. Umesh Kurund for the Petitioners.
Mr. B. V. Samant, AGP for the Respondent Nos.1 to 4 – State.

**CORAM : R. M. SAVANT AND
NITIN W. SAMBRE, JJ.**

DATE : 23rd OCTOBER 2018.

ORAL JUDGMENT

. Rule, having regard to the nature of the directions to be issued made returnable forthwith and heard.

2. The writ jurisdiction of this Court under Article 227 of the Constitution of India is invoked for seeking directions to the Respondents to make available the benefits of the Assured Career Progression Scheme (herein after be referred to as 'the ACPS' for the sake of brevity) to the Petitioners who are working as Teachers in private aided Ashram Schools.

3. Insofar as the said issue is concerned, the same is no more *res integra* and is covered by the Judgment of a Division Bench of this Court (*Coram : A.S.Oka & Revati Mohite Dere, JJ.*) dated 21st September 2013 rendered in Writ Petition No. 2358 of 2013 (Kiran Namdeo Shinde and Ors. V/s The State of Maharashtra, through Secretary Social Welfare Department and Ors.) and companion Writ Petitions.

4. Insofar as the issue as to whether the benefit of ACPS can be extended to the employees of the Ashram Schools are concerned, the finding of the Division Bench is found in paragraph nos.17, 18 and 19 of the said Judgment. In view of the fact that the cases of the individual Petitioners in the said Writ Petitions who are required to be considered for

grant of ACPS on the touch stone of whether they were having requisite eligibility, the Division Bench issued directions which are contained in paragraph no. 21 of the said Judgment and Order.

5. In view of the fact that the Petitioners above named are identically situated as the Petitioners in the said group of Writ Petitions, we propose to follow the same course of action. We accordingly hold that the Petitioners herein would be entitled to the benefit of the ACPS. We accordingly issue the following directions.

- (i) The benefit of ACPS contained in the Government Resolution dated 30th April 1998 as modified from time to time shall be made available to the Petitioners as is made 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 availing the benefit of the ACPS.
- (iii) We make it clear that the Petitioners would be entitled for benefit of the ACPS provided that they satisfy the eligibility criteria for availing benefit of the ACPS which are corresponding to the non-teaching staff of the private aided schools.

6. The aforesaid exercise to be carried out by the Respondents within six months from date.

7. Such of the Petitioners who are found entitled to the benefit of the ACPS, the same to be extended expeditiously after a decision has been taken in respect of the same.

8. The Writ Petition is allowed to the aforesaid extent. Rule is accordingly made absolute with parties to bear their respective costs.

(NITIN W. SAMBRE, J.)

(R. M. SAVANT, J.)