

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6050/2018

Santosh s/o Ramji Ade & others Vs. State of Maharashtra and others

WRIT PETITION NO. 6899/2018

Keshav P.Patil & 23 ors. Vs. State of Maharashtra and others.

WRIT PETITION NO. 6900/2018

Rajkumar P.Chainani & ors. Vs. The State of Maharashtra and others.

WRIT PETITION NO. 6901/2018

Baburao A.Mandhare and ors. Vs. The State of Maharashtra and others.

WRIT PETITION NO. 3896/2018

Dinkar N.Gaikwad & ors. Vs. The State of Maharashtra and others.

WRIT PETITION NO.3897/2018

Ravikiran B.Sapkal & ors. Vs. The State of Maharashtra and others.

WRIT PETITION NO.4571/2018

Gajanan S.Guhe and ors. Vs. The State of Maharashtra and others.

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

Shri V.A.Dhakne, Advocate for petitioners (in WP 6050, 3896
 and 3897/18)

Shri Abhay Sambre, Advocate for petitioners (in WP 6899, 6900,
 6901/18)

Shri P.S.Tambhare, AGP for respondents (in all petitions)

**CORAM : B.P.DHARMADHIKARI and
 S.M.MODAK, JJ.**

DATE : 15.10.2018

Heard respective counsel.

2. Writ Petition No.4571/2018 is not on board today. On request made by Shri Sambre, learned counsel with the consent of learned AGP, the matter is taken on board.

3. Controversy in these matters is about extension of benefit of Assured Career Progress Scheme to the petitioners. The petitioners rely

upon the judgment dated 21st September, 2013 in Writ Petition No.2358/2013 and other connected matters, as also the judgment dated 4th October, 2018 in Writ Petition No. 334/2018 and other connected matters.

4. We find that in later judgment dated 4th October, 2018 in Writ Petition No.334/2018 and other connected matters, at Bombay, this Court has in para 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.

5. The judgment dated 21st September, 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.

6. Accordingly, 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 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.

JUDGE

JUDGE

Andurkar