

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.774 OF 2019

1. Nagsen s/o Anandrao Kamble,
Age: 33 years, Occ: Service,
2. Aruna d/o Raghunath Ulgulwad,
Age: 38 years, Occ: Service,
3. Ashok s/o Vitthal Pawar,
Age: 42 years, Occ: Service,

All R/o. Ananddayi Anudanit Tribal
Primary and Secondary Ashram
School, Manjram, Tq. Naigaon,
Dist. Nanded.

... PETITIONERS

VERSUS

1. The State of Maharashtra
(Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32)
2. The Commissioner,
Tribal Development, Nashik.
3. The Additional Commissioner,
Tribal Development, Amravati,
4. The Project Officer,
Integrated Tribal Development
Project, Kinwat, Dist. Nanded

...RESPONDENTS

WITH

WRIT PETITION NO.800 OF 2019

1. Anita d/o Tukaram Taywade,
Age: 35 years, Occ: Service,
R/o. Sevashram Tribal Ashram School,
Salwadi, Tq. Bhokar, Dist. Nanded
2. Sudam s/o Gunaji Jadhav,
Age: 41 years, Occ: Service,
R/o Aaprampar Swami Tribal
Ashram School, Dongargaon,
Tq. Mukhed, Dist. Nanded.
3. Maroti s/o Baba Totare,
Age: 45 years, Occ: Service,
4. Balaji s/o Dulappa Bandewar,
Age: 38 years, Occ: Service,
5. Shesherao s/o Tulshiram Naik,
Age: 49 years, Occ: Service,

All R/o. Jai Samkadevi Tribal
Ashram School, Khanapur,
Tq. Degloor, Dist. Nanded.

... PETITIONERS

VERSUS

1. The State of Maharashtra
(Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32)
2. The Commissioner,
Tribal Development, Nashik.
3. The Additional Commissioner,
Tribal Development, Amravati,

4. The Project Officer,
Integrated Tribal Development
Project, Kinwat, Dist. Nanded

...RESPONDENTS

WITH

WRIT PETITION NO.803 OF 2019

1. Bhausahab s/o Nimba Pawar,
Age: 37 years, Occ: Service,
2. Dipak s/o Nimba Kumawat,
Age: 47 years, Occ: Service,
3. Kusum d/o Lotan Bacchav,
Age: 44 years, Occ: Service,
4. Pravin s/o Bhavilal Patil,
Age: 34 years, Occ: Service,
5. Tushar s/o Prakash Patil,
Age: 40 years, Occ: Service,
6. Vimal d/o Babhuta Birkhade,
Age: 45 years, Occ: Service,
7. Mina d/o Rajaram Sable,
Age: 38 years, Occ: Service,
8. Vandana d/o Sudhir Patil,
Age: 41 years, Occ: Service,
9. Sangita d/o Shivaji Chavan,
Age: 39 years, Occ: Service,
10. Ajay s/o Adhar Devare,
Age: 46 years, Occ: Service,

All R/o. Aided Tribal Ashram School,
Banoti, Tq. Soegaon,
Dist. Aurangabad.

... PETITIONERS

VERSUS

1. The State of Maharashtra
(Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32)
2. The Commissioner,
Tribal Development, Nashik
3. The Additional Commissioner,
Tribal Development, Amravati,
4. The Project Officer,
Integrated Tribal Development
Project, Aurangabad
District Aurangabad

...RESPONDENTS

Mr. Vijay A. Dhakne, Advocate for the petitioners;
Mrs M.A. Deshpande, Mr V.S. Badakh, A.G.Ps. for
respondent/State;

**CORAM : PRASANNA B.VARALE &
S.M.GAVHANE, JJ.**

DATED : 1st MARCH, 2019

ORAL ORDER :

Heard learned counsel for the petitioners.

2. It is case of the petitioners that petitioner Nos. 1 and 2 were working as 'Cook' in Group 'D' posts since 5th November, 2004 and 12th July, 2003 respectively and petitioner No. 3 was working as 'Kamathi' in Group 'D' post since 12th July, 2003 in Ananddayi Anudait Tribal Primary and Secondary Tribal Ashram School, Manjram, Taluka Naigaon, District Nanded run by Shivshankar Shikshan Prasarak Mandal, Taroda (Bk), Taluka and District Nanded.

3. It is the submission of learned Counsel for the petitioners is, on completion of twelve years of service, the petitioners were entitled for benefits of Assured Career Progress Scheme which was made available to teaching posts by way of Government Resolution. It is, thus, submitted that this issue was raised in bunch of petitions before Principal Seat, namely, Writ Petition No. 2358 of 2013 (Kiran Namdeo Shinde & ors v The State of Maharashtra, through Secretary, Social Welfare Dept.,

& ors) and other connected petitions. By a detailed judgment dated 21st September, 2013, the Division Bench of this Court disposed of the petitions with certain directions.

4. The copy of the judgment in above referred petitions of the Division Bench at Principal Seat is placed on record at Exhibit-C, in which, the directions find place at paragraph-21 of the judgment in clauses (i) to (v). It is then submitted by learned Counsel for the petitioners that similar issue was raised before this Court in Writ Petition No. 2944 of 2016 (Prakash s/o Shankarrao Pawar & ors vs The State of Maharashtra & ors) and the Division Bench of this Court also allowed the petition vide judgment dated 18th March, 2016 with directions to the respondents to examine the case of each of the individual petitioners for deciding whether they satisfy criteria laid down for claiming benefits under ACPs, applicable to the private aided schools under the

Government Resolution dated 30th April, 1998 and as modified from time to time and if it is found that, the petitioners satisfy the eligibility criteria, the respondents shall extend the benefits to the petitioners. Learned Counsel then submitted that the petitioners are also praying for directions of similar nature.

5. This being a issue for consideration and issue being limited one and also decided by this Court, the petitions are taken up for final disposal at admission stage.

6. Issue notice to the respondents, returnable forthwith. Learned A.G.P. waives service of notice for all respondents.

7. In view of above, the respondents are directed to examine cases of each of the individual petitioners for deciding whether they satisfy the criteria laid down

for claiming benefits under ACPs, applicable to the private aided schools under the Government Resolution dated 30th April, 1998 and as modified from time to time and if it is found that, the petitioners satisfy the eligibility criteria, the respondents shall extend the benefits to the petitioners. Respondents shall scrutinize the cases of each petitioner within a period of six months from today and extend the benefits to such of eligible petitioners, as expeditiously as possible and preferably within a period of four months from the date of scrutiny of the proposals.

8. With these directions, the petitions are disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]