

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

WRIT PETITION NO. 7696 OF 2019

SANJAY HEMAJI PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. S. V. Gundre, Advocate for the petitioners.
Mr. S. N. Kendre, AGP for respondents/State.

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ**

DATED : 26th JUNE, 2019.

PER COURT:-

1. The petitioners claim to be members of the non teaching staff (class IV post) in the Ashram school run by the Social Welfare Department. They seek ACPS benefit.
2. The issue involved in the present petition is similar to the issue decided by Division Bench of this Court at principal seat at Bombay under judgment and order dated 21.09.2013 in Writ Petition No. 2358 of 2013 and other connected Writ Petitions.
3. The learned AGP accepts notice for all respondents.
4. In view of the judgment of the Division Bench of this Court at principal seat at Bombay in Writ Petition No. 2358 of 2013 with other connected Writ Petitions under judgment dated 21.09.2013 and subsequent

orders. We adopt same course and dispose of the petition by passing the following order :-

- (i) We declare that the benefit of ACPS, which is applicable to the employees of Group 'D' non-teaching staff of the aided Private School 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 School;
- (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 School under the Government Resolution dated 30th April, 1998 as 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 School;
- (iv) We grant time of six months to the respondents to scrutinize the case 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;

5. Petition is disposed of on above terms. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.