

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10099 OF 2019

SANTOSH SAHEBRAO DHAWALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Kudle Dhanaji S.
AGP for Respondents / State : Mr. S. G. Karlekar

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CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, J.

DATE: 14th AUGUST, 2019

PER COURT:

1. Mr. Kudle, learned counsel for the petitioners submits that the petitioners are the personnels from non teaching staff. The benefits of Government Resolution dated 30.04.1998 is available to the petitioners. The petitioners be given the said benefits and they are entitled for the benefit of Assured Progressive Scheme. According to the learned counsel, they are covered by the judgment of this Court at its Principal Seat dated 21st September, 2013 in Writ Petition

No. 2358 of 2013 and connected writ petitions.

2. Mr. Karlekar, the learned A.G.P., on going through the petition, does not dispute the said fact that the petitioners herein is covered by the judgment of the Division Bench referred supra. In the light of above, the issue is no longer *res integra*. Hence 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 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 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;

3. Writ Petition is disposed of on above terms.

No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

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