

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

66 WRIT PETITION NO.13461 OF 2018

BALAJI DASHRATH MALISHE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. C. T. Jadhav h/f Mr. Ajay D. Pawar, Advocate
for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATED : 28th JANUARY, 2019.

PER COURT:-

1. Mr. Jadhav, the learned counsel for the petitioner submits that the members of the petitioner union are the personnels from non teaching staff. The benefits of Government Resolution dated 30.04.1998 is available to the petitioners. The members of the petitioner 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. Jadhavar, the learned AGP, on going through the petition, does not dispute the said fact that the petitioner 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 members 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' member 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 members of the petitioner 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) Writ Petition is disposed of on above terms. No costs.

(A. M. DHAVALA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE