

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO.12957 OF 2019

SUNANDA BHATU NERKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Pawar Ajay D.
AGP for Respondents: Mr. P.S. Patil

...
CORAM : **S. V. GANGAPURWALA & ANIL S. KILOR, JJ.**

Date: October 17, 2019

...

PER COURT :-

1 Heard the learned counsel for the petitioner and the learned AGP .

2 The grievance of the petitioner is that the benefit of time bound promotion, higher pay scale of ACPS is not given to the non-teaching staff (Class III, Class IV) of Ashram Schools run by the Social Welfare Department.

3 The issue is no longer *res-integra*, in view of the catena of Judgments of this Court, reference can be had to the Judgment of this Court in Writ Petition No.4202 of 2012 with connected matters decided on 21.01.2014 and Writ Petition No.5191 of 2018 with connected Writ Petition dated 06.06.2018, be follow same course.

"4. *In the light of the above, we pass the following order:*

(I) *We declare that the benefit of ACPS, which is applicable to*

the employees of Group C and D no-teaching staff of the aided Private Schools in the State under the Govt. 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 Govt. 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 Govt. schools under the Govt. 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 members of the petitioners and to consider whether they are eligible for the benefits of ACPS;

(V) To those petitioners who are found eligible, the benefit shall be extended, as expeditiously as possible;

(VI) The Writ petitions are disposed of. No costs. "

4. Writ Petition is accordingly disposed off. No costs.

(ANIL S. KILOR, J)

(S. V. GANGAPURWALA, J)