

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1363 OF 2019

DNYANESHWAR IRALAL BORSE
AND OHTERS

...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr. V.A. Dhakne, Advocate for Petitioners
Mr. S.P. Tiwari, AGP for Respondents-State

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

DATE : 19th SEPTEMBER, 2019

ORAL ORDER:

1. The petitioners are the members of the non teaching staff in Group – D category. They claim the benefit of A.C.P.S.
2. Mr. Dhakne, the learned counsel for petitioners and Mr. Tiwari, the learned A.G.P. submit that, the parties would be governed by the decision of the Division Bench of this Court at Principal Seat at Bombay in Writ Petition No. 2358 of 2013 with other connected writ petitions decided vide judgment dated September 21, 2013.

3. In the light of that, we also adopt the same recourse and pass following order.

ORDER

A. 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.

B. 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.

C. 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.

D. 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.

E. Those petitioners who are found eligible, the benefit shall be extended, as expeditiously as possible.

4. The writ petition is accordingly disposed of. No costs.

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

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