

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

976 WRIT PETITION NO. 3367 OF 2020

THE MAHARASHTRA STATE ASHRAMSHALA VASTIGRUHA
ADHIKSHAK AND SHIKSHETAR KARMACHARI SANGATNA AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Patil Paresh B.
AGP for Respondents / State : Mr. S. G. Karlekar

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 27th FEBRUARY, 2020

PER COURT:

1. The petitioners seek dual benefits -

(i) To grant them the pay scale as per 5th and
6th Pay Commission applicable to the trained
hostel superintendent.

(ii) According to the learned counsel for the
petitioners, all these petitioners possess
the qualification of HSC. The learned counsel
further submits that the petitioners no. 4,
5, 8 to 11, 15, 16, 17, 19, 20 and 21 are
also entitled for the ACPS benefit.

2. As far as the claim of the petitioners for the pay scale of a trained hostel superintendent on acquiring qualification of HSC, the same is no longer res integra. Reference can be had to the judgment of the Division Bench in Writ Petition No. 188 of 2016 dated September 21, 2016. As far as ACPS is concerned, it is for the respondents to consider the said aspect.

3. Considering the above, we pass the following order.

4. The respondents upon satisfying themselves about the petitioners possessing the qualification of HSC shall grant them the revised pay as per the pay scale applicable to the trained hostel superintendent. The arrears be paid within six (06) months.

5. As far as the claim of ACPS is concerned, we pass the following order:

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 cases of the members of petitioners no. 4, 5, 8 to 11, 15, 16, 17, 19, 20 and 21 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 petitioners no. 4, 5, 8 to 11, 15, 16, 17, 19, 20 and 21 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 (06) months to the respondents to scrutinise the cases of petitioners no. 4, 5, 8 to 11, 15, 16, 17, 19, 20 and 21 and to consider whether they are eligible for the benefit of ACPS;

[v] If petitioners no. 4, 5, 8 to 11, 15, 16, 17, 19, 20 and 21 are found eligible, the benefits shall be extended, as expeditiously and possible.

6. Writ Petition is accordingly disposed of on above terms. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

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