

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

947 WRIT PETITION NO.4225 OF 2021

SHIVAJI SUKHADEO PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THR SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Pawar Ajay D.
AGP for Respondents/State: Mr. A. R. Kale

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

DATE : 9th March, 2021

P.C. :

1. Heard the learned counsel for the petitioners and the Government Pleader.

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 Tribal Development Department and Social Welfare Department.

3. The issue is no longer *res-intergra*, 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 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 non-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 benefit 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 accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)