

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

932 WRIT PETITION NO.4202 OF 2021

1. Umesh s/o Shankarrao Tatewar
Age: 44 years, Occu. Lab attendant,
R/o Secondary Ashram School
Palshi Tanda Tq. Kinwat
Dist. Nanded.
2. Pathan Bashir Hussain
Age: 43 years, Occu. Peon,
R/o As above.
3. Nitin s/o Ramdas Chavan
Age: 47 years, Occu. Peon,
R/o As above.
4. Sharad s/o Raman Borse
Age: 33 years, Occu. Peon,
R/o Kai. Surybhan Tarange Secondary,
Ashram School Nali, Tq. Bhoom,
District: Osmanabad.

... Petitioners

VERSUS

1. The State of Maharashtra
Through it's Secretary,
Other Backward Bahujan Welfare,
Department 1st Floor, Vistar,
Vistar Bhawan, Hutatma Rajguru,
Chowk, Mantralaya, Mumbai 32.
2. The Director,
Other Backward Bahujan Welfare,
Directorate, State of Maharashtra,
Pune-01.
3. The Regional Deputy Commissioner,
Social Welfare Department, Latur,
Division Latur.

4. The Assistant Commissioner,
Social Welfare, Department, Nanded
District: Nanded.
5. The Assistant Commissioner,
Social Welfare, Department, Osmanabad,
District: Osmanabad.

... Respondents.

...
Mr. Kudle Dhanaji S., Advocate for the Petitioners
Mrs. P. V. Diggikar, AGP for the Respondents/State
...

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

DATE : 9th March, 2021

ORAL JUDGMENT (*Per S.V. Gangapurwala, J.*) :

. Rule. Rule made returnable forthwith.

2. Heard finally with the consent of learned counsel for the respective parties.

3. The issue raised in this petition is no more res integra and is covered by the decision rendered by this Court in Writ Petition No.7256 of 2012 and other companion matters decided on 2nd December, 2013 as well as decision of the Division Bench at Mumbai in Writ Petition No.2358 of 2013 and other companion matters decided on 21st September, 2013.

4. In the facts of this case and in view of the judgments referred above, writ petition deserves to be allowed and the same is accordingly allowed. Respondents are directed to examine the case of each of the individual petitioners for deciding whether they satisfy the criteria laid down under ACPS scheme applicable to private aided government schools under the Government Resolution dated 30th April, 1998 as amended from time to time and if it is found that petitioners are entitled to claim benefits under the scheme and they satisfy the eligibility criteria, respondents shall extend the benefits to them. Respondents shall scrutinize case of the individual petitioners within a period of six months and extend the benefits to the eligible petitioner as expeditiously as possible and preferably within a period of four months from such scrutiny.

5. Rule made absolute in the above terms. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)