

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
923 WRIT PETITION NO.7163 OF 2021

BABU BHIKU JADHAV

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

AND

942 WRIT PETITION NO.7186 OF 2021

DINKAR DHANRAM CHOUDHARI AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Ajay D. Pawar, Advocate for the Petitioners.

Mr. K. N. Lokhande and Mrs. M. A. Deshpande, AGP
for Respondents-State.

...

CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.

DATED : 02nd JULY, 2021.

PER COURT:-

1. The petitioners claim to be Class-IV employees of Ashram School under the Social Welfare Department. The petitioners seek ACPS benefit on completion of 12 years of service.

2. The issue is no longer *res integra* in view of the judgment of this Court in Writ Petition No.2358 of 2013 with connected writ petitions dated September 21, 2013.

3. In light of that, we follow the same course:

- (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 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;
- (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 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;

4. Writ Petitions are disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/July-2021