

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

929 WRIT PETITION NO.7623 OF 2021

BHAGWAT VITTHALRAO KATURE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Ajay D. Pawar.
AGP for Respondent/State: Mr. P. K. Lakhotiya.
...

AND
940 WRIT PETITION NO.7634 OF 2021

REVANAPPA SHIVAPPA SALEGAONKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Ajay D. Pawar.
AGP for Respondent/State: Mrs. M. A. Deshpande.
...

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

DATE : 14th July, 2021.

P.C.:

1. Some of the employees are dead. They are represented by their spouse.

2. The learned counsel for petitioners and the learned Additional Government Pleader are *ad idem* that petitioners/husband of the petitioners are similarly situated as petitioners in Writ Petition No.1071

of 2017 with other connected writ petitions decided on 14.02.2017.

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

- (i) The impugned order is quashed and set aside;
- (ii) 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;
- (iii) The appropriate Authority appointed by the State Government shall examine the individual cases of the members of the petitioners/husband 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.
- (iv) We make it clear that the petitioners'/husband of the petitioners' members 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;

- (v) We grant time of six months to the respondents to scrutinize the cases of the members of the petitioners/ husband of the petitioners and to consider whether they are eligible for the benefit of ACPS;
- (vi) To those petitioners/husband of the petitioners who are found eligible, the benefit shall be extended, as expeditiously as possible.

4. The writ petitions are disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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