

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

WRIT PETITION NO. 9198 OF 2021

1. Premchand S/o Bhimrao Rathod,
Age 40 Years, Occu. : Clerk,
R/o Secondary Ashram School
Saknoor Tanda, Tq. Mukhed,
Dist. Nanded.
 2. Rekha Bhimrao Rathod,
Age : 36 Years, Occu. : Lab Attendant,
R/o As above.
 3. Vaijnath S/o Baliram Rathod,
Age : 35 Years, Occu. : Peon,
R/o As above.
 4. Sambhaji S/o Venkat Panchal,
Age : 46 Years, Occu. : Peon,
R/o As above.
 5. Tanaji S/o Hulba Bhayegaonkar,
Age : 39 Years, Occu. : Peon,
R/o As above.
 6. Laxmibai Yadav Rathod,
Age : 41 Years, Occu. : Cook,
R/o As above.
 7. Parvati Sidram Shere,
Age : 41 Years, Occu. : Cook,
R/o As above.
 8. Laxmibai Sadashiv Panchal,
Age : 48 Years, Occu. : Cook,
R/o Primary Ashram School,
Shilwani Border, Shilwani,
Tq. Degloor, Dist. Osmanabad.
- .. Petitioners

Versus

1. The State of Maharashtra,
Through it's Secretary,
Other Backward Bahujan Welfare
Department, 1st Floor, Vistar
Vistar Bhavan, Hutatma Rajguru
Chowk, Matralaya, Mumbai – 32.
2. The Director,
Other Backward Bahujan Welfre
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, Dist. Nanded. .. Respondents

Shri Dhanaji S. Kudle, Advocate for Petitioners.
Mrs. M. A. Deshpande, Addl.G.P. for All Respondents.

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

DATE : 23RD AUGUST, 2021.

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

. The petitioners seek I A.C.P.S. benefit. The petitioners claim to be Class III and IV employees of the Ashram School.

2. Rule. Rule made returnable forthwith. Heard finally with the consent of learned Counsel for the respective parties.

03. 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 2011 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.

04. 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 30-04-1998 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 is made absolute accordingly. No costs.

[R. N. LADDHA, J.]
bsb/Aug.21

[S. V. GANGAPURWALA, J.]