

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
18 WRIT PETITION NO.10685 OF 2021

RAOSAHEB VINAYAKRAO JAVARE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

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

Mrs. M. A. Deshpande, AGP for Respondents-State.

...

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

DATED : 27th SEPTEMBER, 2021.

PER COURT:-

1. The petitioner claims to be Class-IV employee of Ashram School under the Social Welfare Department. The petitioner seeks 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 case of the petitioner 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 petitioner 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 case of the petitioner and to consider whether petitioner is eligible for the benefit of ACPS;
- (v) If the petitioner is found eligible, the benefit shall be extended, as expeditiously as possible;

4. Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE