

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

28 WRIT PETITION NO.1395 OF 2022

PRAMOD VYANKATRAO KATARE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...
Advocate for the petitioner : Mr.A.D.Pawar
Addl.GP for Respondent-State : Mr.S.B.Yawalkar

...
**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 31.01.2022

P.C. :

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 the 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 he satisfies 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 he satisfies 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.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

DDC