

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

WRIT PETITION NO.8299 OF 2022

**VAIJANATHRAO MAHADEVRAO KAMBLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

Advocate for Petitioner : Kawale Laxman H.
AGP for the Respondents/State : Shri S.K.Tambe
Advocate for Respondents 3 and 4 : Shri Bondar Uttam Bajirao

...

**CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.**

DATE :- 11th August, 2022

Per Court :-

1. The petitioner has put forth prayer clause (B), which reads as under :-

“B. By issuing writ of mandamus or any other appropriate writ, order or direction the respondents particularly respondent No. 1 to 4 be directed to grant higher pay scale as well as benefit of Assured Career Progress Scheme (ACPS) in favour of petitioner upon completion of 12 years’ service from his initial date of appointment in terms of government resolution dated 2nd Sept., 1989. Consequently, the petitioner be paid all the arrears of monetary benefits as well as regular pensionary benefits by necessary pay fixation along with interest at the rate of 10% per annum from the date it became due till the actual payment and

for that purpose necessary direction may kindly be issued.”

2. Issue notice to the respondents, returnable forthwith.

The learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2. The learned Advocate Shri Bondar waives service of notice on behalf of respondent Nos.3 and 4.

3. It is stated that in identical set of circumstances, in matters pertaining to non-teaching staff, this Court has delivered the judgment on 1st April, 2021, in Writ Petition No. 5649/2021, filed by ***Manisha wd/o Nandkumar Deshmukh vs. The State of Maharashtra and others***. Paragraph No.6 of the said order reads as under :-

“6. *The respondents are directed to examine the cases of each of the individual petitioner for deciding whether they satisfy the criteria laid down for claiming benefits under the ACPS to the private aided Government Schools under the Government Resolution dated 30.04.1998, as modified from time to time, and if it is found that the petitioners are entitled to claim benefits under the scheme, and they satisfy the eligibility criteria, the respondents shall extend the benefits to the petitioners. The respondents shall scrutinize the cases of individual petitioners within a period of six months, and extend the benefits to such of the petitioners who are found eligible, as expeditiously as possible preferably, within a period of four (04) months from such scrutiny.”*

4. The learned Advocate representing the Zilla Parishad submits that since old record will have to be looked into, a period of six months may be granted.

5. In view of the above, this petition is disposed off with a direction that respondent Nos.3 and 4 would examine the case of the petitioner for deciding, as to whether he would satisfy the criteria which is laid down for claiming benefits under the ACPS applicable to private/Government schools as per the Government Resolution dated 2nd September, 1989, applicable to the teaching staff and subsequent Government Resolutions, having been introduced from time to time.

6. If it is found that the petitioner is eligible for claiming such benefits and he satisfies the eligibility criteria without an exception, the respondents would scrutinize such cases and arrive at a decision, as expeditiously as possible, and preferably on or before 30th December, 2022. Thereafter, depending upon the eligibility of the petitioner, the benefits from such ACPS would be made available to him within four weeks.