

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9289 OF 2022

DIPAK SHAMRAO KASAR AND OTHERS
VERSUS
STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

...
Advocate for the Petitioners : Shri Solanke Shrinivas Trimbak
AGP for the Respondents/State : Shri S.G. Sangle
...

CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 05th December, 2022

Per Court :-

1. The petitioners seek the first Assured Career Progress Scheme (ACPS) benefit after completing 12 years in the non-teaching category in Ashram School run by the Tribal Development Department. The petitioners have put forth prayer clauses B, C and D as under :-

“B. To direct the respondents to grant the benefits of Assured Career Progress Scheme/ Time Bound Promotion in favour of petitioners immediately after completing their 12 years qualifying service from the date of their initial appointments and grant all the consequential benefits that might have granted to them by issuing Writ of Mandamus or any other appropriate Writ or direction as the case may

be.

- C. To direct the respondent No.3, Project Officer, Yawal, Tq.Yawal, District Jalgaon to accept and consider the proposal of petitioners for seeking the benefits of ACPS/ Time Bound Promotion immediately after completing 12 years qualifying service as per judgment and order dated 21.01.2014 in Writ Petition No.4204/2012, order dated 20.02.2020 in Writ Petition No.3029/2020 and order dated 12.03.2020 in Writ Petition No.3955/2020 by issuing necessary Writ, or direction as the case may be.*
- D. To hold and declare that the petitioners are also entitled to get the benefits of judgment and order dated 21.01.2014 in Writ Petition No.4204/2012, order dated 20.02.2020 in Writ Petition No.3029/2020 and order dated 12.03.2020 in Writ Petition No.3955/2020 in respect of granting of Time Bound Promotion/ Assured Career Progress Scheme after completion of 12 years qualifying service and other consequential benefits for which the petitioners are entitled to, by issuing necessary Writ or direction as the case may be.”*

2. The learned AGP submits, on perusing the orders and judgments cited by the petitioners, which are referred to in prayer clauses C and D reproduced above that, this Court has crystallized the said issue and the employees of the non teaching category working in the Ashram Schools are entitled for the ACPS benefits after completing 12 years in employment, subject to proper scrutiny and examination of each case in order to assess

as to whether, they satisfy the criteria for the grant of the said benefits.

3. In view of the above, this Writ Petition is partly allowed with the following directions:-

(a) Respondent Nos.2 and 3 shall scrutinize and verify the cases of each of these petitioners to assess as to whether, they satisfy the criteria laid down for claiming the benefits of ACPS after completion of 12 years, while working in the non teaching category in private aided schools/ Ashram schools. Let such exercise be completed on or before 31.01.2023.

(b) The authorities would release the benefits to those petitioners, who are found eligible, on or before 15.03.2023.

(c) Needless to state, while scrutinizing the cases of these petitioners, if any one of them is found to be disentitled, a reasoned order would be passed by the competent authority immediately after the verification exercise and communicate the said order to the concerned petitioner.

(d) The aggrieved petitioner would then be at liberty to avail of a remedy as is permissible in law.