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

1002 WRIT PETITION NO.1054 OF 2022

YADAV CHOKHAJI PATIL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr L. H. Kawale, Advocate for petitioners;
Mr S. G. Karlekar, A.G.P. for respondents/State
Mrs. Yogita S. Thorat, Advocate for respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 20th July, 2022

PER COURT:

1. The petitioners have 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 3 be directed to grant higher pay scale as well as benefit of Assured Career Progress Scheme (ACPS) in favour of petitioners upon completion of 12 years’ service from his initial date of appointment.”

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 Mrs. Thorat waives service of notice on behalf of respondent No. 3.

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3. It is stated that in identical set of circumstances, in matters pertaining to non-teaching staff, this Court has delivered a 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 No. 3 would examine the case of each of these petitioners for deciding, as to whether they would satisfy the

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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. If it is found that these petitioners are eligible for claiming such benefits and they satisfy 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 petitioners, the benefits from such ACPS would be made available to them within four weeks.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

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