

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4575 OF 2022**

Pravin Nana Netkar and others.] Petitioners

Vs.

State of Maharashtra, through]

Secretary Tribal Development]

Department, Mantralaya, Mumbai]

and others.] Respondents

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Mr. Saurabh S. Oka, for Petitioners.

Mr. N.K. Rajpurohit, A.G.P, for Respondent-State.

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CORAM : A. S. CHANDURKAR AND G.A. SANAP, JJ.

DATE : 18th APRIL, 2022.

P.C.

1. Rule. Rule is made returnable forthwith and heard finally by consent of learned Counsel for the parties.

2. The petitioners are serving on various Non Teaching Posts at respondent No.4 -Ashram School which is duly recognized by respondent No.5. It is the case of the petitioners that they are entitled for the benefit of Assured Career Progression Scheme (for

short “ACPS”) since they are employees belonging to “Group C” and “Group D” thereof. The petitioners seek to rely on the judgment of this Court in **Writ Petition No.2358 of 2013 (Kiran Namdeo Shinde and others Vs. The State of Maharashtra, Through Secretary, Social Welfare Department and others)** decided on 21st September, 2013 wherein this Court has held that there was no justifiable reason to deny benefit of ACPS to the employees from Ashram Schools.

3. In view of the aforesaid, the petitioners seek declaration to their entitlement in this regard.

4. In the light of the judgment referred above, the petitioners are at liberty to make a representation to respondent No.5 seeking application of ACPS to them. If such representation is made by the petitioners, respondent No.5 shall consider the same in the light of the judgment referred to hereinabove.

5. The representation be decided in accordance with law as early as possible, preferably within a period of six weeks from the date the same is received by respondent No.5.

6. Rule is made absolute in the above terms. No costs.

7. Writ Petition is disposed of.

[G.A. SANAP, J.]

[A.S. CHANDURKAR, J.]