

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8065 OF 2022

Satpute Anil Dynedev and Ors.

...Petitioners

vs.

The Asst. Commissioner Social
Welfare Office

...Respondent

Mr. Umesh Kurunt - Advocate for the Petitioners

Mrs. S. S. Bhende - AGP for the Respondent-State

**CORAM : S.V. GANGAPURWALA AND
 S. M. MODAK, JJ.**

DATE : 11th JULY, 2022

P. C. :-

1. Learned counsel for the Petitioners submits that the Petitioner Nos. 1 to 4 are working as Class III and Class IV non teaching employees of the Ashram school. They are entitled for time bound promotional pay scale on completion of 12 years of service.
2. The Issue is no longer *res-judicata*, in view of the various Orders are passed by this Court. Reference can be made of order dated 21/09/2013 in the Writ Petition No. 2358 of 2013 and in connected writ petitions and in view of that we follow the same course.
3. Hence, we dispose of the Petition, by passing the following Order:

(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 individual cases of the petitioners for deciding whether they satisfy 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 petitioners will be entitled to the benefit of the said scheme, provided they satisfy 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 cases of the petitioners and to consider whether they are eligible for the benefit of ACPS;
- (v) To those petitioners who are found eligible, the benefit

shall be extended, as expeditiously as possible;

(vi) Petition is disposed of on above terms.

[S. M. MODAK, J.]

[S.V. GANGAPURWALA,J.]