

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1297 OF 2021

1. Sopan S/o Maroti Kurwade,
aged about 37 years,
Occup. Service as Junior Clerk,
2. Gopal S/o Dayaram Rathod,
Aged about 36 years,
Occ. Service Lab Assistant,
3. Mahadeo Shalikram Dole,
Aged about 47 years,
Occ. Service as Peon
4. Ulhas Rajaram Shinde,
Aged about 35 years,
Occu. Service as Cook/Helper
5. Kishor S/o Mohansingh Rathod,
Aged about 56 years,
Occu. Service as Kamathi

Nos.1 to 5 all R/o Sakharvira,
Taluka Barshitakli, Dist. Akola

... Petitioners

-vs-

1. State of Maharashtra,
Thr. Its Secretary, Social Welfare Department,
Mantralaya, Mumbai 32.
2. The Divisional Social Welfare Officer,
Nagpur Division, Nagpur
3. The Special District Social Welfare
Officer/Assistant Commissioner,
Social Welfare, Akola, District Akola

... Respondents.

Shri R. N. Ghuge, Advocate for petitioners.
Smt H. N. Jaipurkar, Assistant Government Pleader for respondents.

CORAM : A. S. CHANDURKAR AND SMT M. S. JAWALKAR, JJ.

DATE : February 03, 2022

Oral Judgment : (Per: A. S. Chandurkar, J.)

Considering the nature of directions proposed to be issued, after hearing the learned counsel for the parties, the writ petition is taken up for disposal.

Rule. Rule made returnable forthwith and heard learned counsel for the parties.

2. The petitioners seek benefit of the Assured Career Progression Scheme as applicable to employees of private aided Ashram Schools. It is not in dispute that the facts in this petition are similar with the facts in Writ Petition No.2358/2013 (*Kiran Namdeo Shinde and ors. vs. The state of Maharashtra and ors*) decided by the Division Bench of this Court at the Principal Seat on 23/09/2013, Writ Petition No.7256/2011 decided by the Division Bench of this Court at Aurangabad Bench by judgment and order dated 02/12/2013 and in Writ Petition No.178/2014 (*Vilas S/o Laxman Dukale and ors. vs. The State of Maharashtra*) with connected writ petition decided on 22/07/2014.

In view of aforesaid judgments, the present petition also deserves to be allowed.

2. The respondents are directed to examine the cases of each petitioner for deciding whether they satisfy the criteria laid down for claiming benefits under the Assured Career Progression Scheme as applicable to 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 satisfy the eligibility criteria, the respondents shall extend the benefits to the petitioners. The respondents shall scrutinize the case of each individual petitioner within a period of six months and extend the benefits to such petitioners who are found eligible as expeditiously as possible, preferably within a period of four months from such scrutiny.

3. Keeping the points raised in the writ petition open, the writ petition is disposed of. Rule accordingly. No costs.

(Smt M. S. Jawalkar, J.)

(A. S. Chandurkar, J.)