

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

WRIT PETITION NO.2254 OF 2021

1. Sanjay Vasantrya Bandurkar,
Aged about 50 years,
Occupation : Service.
2. Manohar Ganpati Rajurkar,
Aged about 50 years,
Occupation : Service.
3. Madan Maroti Dhawas,
Aged about 33 years,
Occupation : Service.
4. Suresh Dama Kannake,
Aged about 46 years,
Occupation : Service.
5. Anandrao Dokaji Satpute,
Aged about 51 years,
Occupation : Service.
6. Devaji Madhav Chalkh,
Aged about 51 years,
Occupation : Service.
7. Santosh Mohanlal Rathod,
Aged about 44 years,
Occupation : Service,
Nos.1 to 7, R/o. C/o. Sou.
Lalibai Madhyamik Aashram School Jiwti,
Tq. Jiwti, District Chandrapur,
run by Pratapsingh Shikshank Sanstha, Priparda.
8. Sanjay Shamrao Govindwar,
Aged about 49 years,
Occupation : Service.
9. Arvind Sudam Wasekar,
Aged about 47 years,
Occupation : Service.

10. Sau. Shevantabai Ratilal Rathod,
Aged about 58 years,
Occupation : Service.
Nos.8 to 10 R/o. C/o. Late
Vasantrao Naik Primary Aashram School,
Chandanwahi, Tq. Rajura,
District Chandrapur, run by
Pratapsingh Shikshan Sanstha, Priparda.
11. Nanaji Rajam Pulgamwar,
Aged about 53 years,
Occupation : Service.
12. Vilas Ramchandra Urkude,
Aged about 47 years,
Occupation : Service.
13. Smt. Kalpana Pralhad Chincholkar,
Aged about 50 years,
Occupation : Service.
14. Purshotam Sadhuji Kakade,
Aged about 59 years,
Occupation : Service,
Nos.11 to 14 R/o. C/o.
Late Sudharrao Naik Aashram School,
Lakkadkot, Tq. Rajura, District Chandrapur,
run by Balaji Shikshan Prasarak Mandal,
Priparda.
15. Ramesh Tulshiram Rathod,
Aged about 47 years,
Occupation : Service.
16. Ku. Bijutai Shivram Jadhav,
Aged about 47 years,
Occupation : Service,
Nos.15 & 16 R/o. C/o.
Priyadarshini Indira Gandhi Primary
Aashram School, Bhurkunga,
Tah. Rajura, Distt. Chandrapur,
run by Shri Lalbahadur Shastri
Shikshan Prasarak Mandal,
Digras, Distt. Gadchandur.

17. Anandrao Haridas Marbhate,
Aged about 48 years,
Occupation : Service.
18. Namdeo Kudaram Gedam,
Aged about 52 years,
Occupation : Service,
Nos.17 & 18 R/o. C/o.
Smt. Bhagerathabai Sedmake
Prathimik Aashram Kadholi,
Tq. Sawli, Distt. Chandrapur, run by
Shri Saibaba Adiwasi Shikshan
Vikas Sanstha, Kadholi.
19. Balaji Tikuji Islawat,
Aged about 53 years,
Occupation : Service,
R/o. C/o. Ghamabai Primary Ashram School,
Baranj-Tanda, Tq. Bhadrawati,
Distt. Chandrapur, run by Dhanaji Naik Shikshan
Prasarak Mandal, Chandrapur.
20. Bandu Ganpat Gaddekar,
Aged about 41 years,
Occupation : Service.
21. Ku. Sunanda Govinda Dhok,
Aged about 50 years,
Occupation : Service.
22. Kalicharan Diwalu Sondawle,
Aged about 47 years,
Occupation : Service.
23. Ravindra Maroti Mandale,
Aged about 46 years,
Occupation : Service,
Nos.20 to 23 R/o. C/o.
Jijamata Primary Ashram School,
Sushi (Dabgaon), Tq. Mul, District Chandrapur,
run by Krantijyoti Mahila Shikshan Prasarak
Mandal, Mul, Distt. Chandrapur.
24. Ankush Motiram Pawar,

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Aged about 46 years,
Occupation : Service,
R/o. C/o. Bharatratna Rajiv Gandhi Prathamik
Aashram School, Shengaon,
Tq. Jiwti Distt. Chandrapur, run by
Pandit Jawaharlal Nehru Shikshan Prasarak Mandal,
Nagralla.

25. Nitesh Shamuwel Wankhede,
Aged about 48 years,
Occupation : Service.
26. Suryaprakash Bira Komawar,
Aged about 46 years,
Occupation : Service.
27. Mangesh Kanher Burande,
Aged about 36 years,
Occupation : Service,
Nos.25 to 27 R/o. C/o. Shriram VJNT
Pry. Aashram School, Manora,
Tq. Ballarpur, Distt. Chandrapur,
run by Jankalyan Magaswargiya Shikshan
Sanstha, Karanji.
28. Bhiwa Mahadeo Nannaware,
Aged about 48 years,
Occupation : Service.
29. Gangadhar Merchand Rathod,
Aged about 54 years,
Occupation : Service,
Nos.28 & 29 R/o. C/o.
Late Sangala Patil Pry. Aashram School,
Kawalgondhi, Tq. Rajura,
Distt. Chandrapur, run by Sevalal Maharaj Shikshan
Sanstha, Dhanoli (Tanda).
30. Pandir Harising Pawar,
Aged about 46 years,
Occupation : Service.
31. Bhagwan Laxman Rathod,
Aged about 47 years,
Occupation : Service.

32. Dashrath Ramji Jadhav,
Aged about 52 years,
Occupation : Service.
33. Babu Rajaram Chawhan,
Aged about 57 years,
Occupation : Service.
34. Sau. Yashodabai Ramrao Rathod,
Aged about 48 years,
Occupation : Service.
35. Sou. Ujwala Babu Chawhan,
Aged about 52 years,
Occupation : Service.
36. Bhimrao Tulshiram Rathod,
Aged about 55 years,
Occupation : Service,
Nos.30 to 36 R/o. C/o.
Smt. Pannabai Madhyamik Aashram School,
Dampur, Mohada, Tq. Jiwti,
Distt. Chandrapur, run by
Lalbahadur Sahstri Shikshan Prasarak Mandal,
Digras, Distt. Gadchandur.
37. Bhagwan Sambhaji Shirpurkar,
Aged about 49 years,
Occupation : Service.
38. Abdul Rasul Sheikh,
Aged about 44 years,
Occupation : Service.
39. Vasant Mahadeo Tode,
Aged about 57 years,
Occupation : Service,
Nos.37 to 39 R/o. C/o.
Late Chamanseth Pry. Aashram Shala Kolshi,
Tq. Korpana, Distt. Chandrapur,
run by Soheli Shikshan Prasarak Mandal,
Gadchandur.
40. Gopal Dattu Kurekar,

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Aged about 52 years,
Occupation : Service,
R/o. C/o. Late Anantrao Chatap Pri.
Aashram School, Gadchandur,
Tq. Korpana, Distt. Chandrapur,
run by Chaitanya Gagangiri Nathay
Namah Shikshan Prasarak Mandal,
Distt. Gadchandur.

41. Chhabutai Vitthal Jadhav,
Aged about 41 years,
Occupation : Service,
R/o. C/o. Gangaram Nike
Madhamik Ashram School,
Ambe Dhanora, Tq. Pombhurna,
Distt. Chandrapur, run by
Lalbahadur Shastri Shikshan Prasarak
Mandal, Gadchandur. Petitioners.

:: V E R S U S ::

1. The State of Maharashtra,
Through its Secretary,
other Backward Bahun Welfare Department,
1st Floor, Vistar Bhawan, Hutatma Rajburu Chowk,
Mantralaya, Mumbai-32.
2. The Assistant Commissioner,
Social Welfare Department,
Chandrapur Division, Chandrapur.
3. The Regional Deputy Commissioner,
Social Welfare Department,
Nagpur Division, Nagpur.
4. The Director, Gadchiroli,
other backward Bahun Welfare,
Directorate, State of Maharashtra,
Pune. Respondents.

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Mrs.Kirti Satpure, Counsel for the Petitioners.
Shri D.P.Thakare, Additional Government Pleader for the
Respondent Nos.1 to 4.

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CORAM : A.S.CHANDURKAR & URMILA JOSHI-PHALKE, JJ.
DATE : 11/7/2022

ORAL JUDGMENT (Per : A.S.Chandurkar, J.)

1. Heard the learned counsel Mrs.Kirti Satpute for the petitioners and the learned Additional Government Pleader Shri D.P.Thakare for respondent Nos.1 to 4. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

2. The petitioners are members of non-teaching staff of VJNT Ashram Schools and they seek to rely upon Government Resolutions dated 30.4.1998 and 2.3.2019 for seeking benefits under the 'Assured Career Progress Scheme'.

3. It is not in dispute that this Court has earlier decided similar Writ Petition No.767 of 2019 (*Laxmi Gyanuji Lokhande and ors vs. The State of Maharashtra, thr.its Secretary, Tribal Development Department, Mantralaya, Mumbai-32 and ors*) on 23.7.2021 wherein following directions have been issued:

"3. The respondents shall examine the cases of each of the individual petitioners for deciding whether they satisfy the criteria laid down for claiming benefits under the Assured Career Progression Scheme, applicable to the private aided schools under Government Resolution dated 30/4/1998 and as modified from time to time; and if it is found that any or all the

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petitioners do satisfy the eligibility criteria, he/they shall be extended benefits of the Scheme by the respondents. Let such exercise be completed within a period of six months from the date of receipt of a copy of this order.

4. The respondents shall not unduly delay grant of benefits to such of the eligible petitioners immediately after a decision is taken in terms of this order. In any event, payment of monetary benefits in favour of the eligible petitioners must be made within three months from the date of the decision.

5. We also make it clear that if any of the petitioners is not found entitled to the benefits of the Scheme, a reasoned order shall be passed and communicated to him."

4. This writ petition is disposed of in terms of all the directions referred to in paragraph No.3 herein. Rule is made absolute in aforesaid terms with no order as to costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

!! BrWankhede !!
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