

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

WRIT PETITION NO. 4676/2021

1. Laxmikant Dharmdas Tagade,
Aged 56 years, Occ. Jr. Clerk.
R/o. C/o. Khemraj Madhyamik Ashram School,
Pendhari (Kajali)
Tahsil Hingna, District Nagpur.
2. Bhaskar Bharnu Gajbhiye,
Aged 50 years, Occ. Cook,
R/o. C/o. Khemraj Madhyamik Ashram School,
Pendhari (Kajali), Tahsil Hingna, District Nagpur.
3. Pruthviraj Hari Wankhede,
Aged 55 years, Occ. Cook Assist.
R/o. C/o. Khemraj Madhyamik Ashram School,
Pendhari (Kajali), Tahsil Hingna, District Nagpur.
4. Sukhram Bapu Nanhe,
Aged 55 years, Occ. Kamathi.
R/o. C/o. Ahilyadevi Holkar
Khemraj Madhyamik Ashram School,
Pendhari (Kajali), Tahsil Hingna, District Nagpur.
5. Bhojraj Mahadeo Meshram
Aged 50 years, Occ.Asstt.Cook.
R/o. C/o Chatrapati Shivaji Prathmik Ashram School,
Mandhal Tah.Kuhi, District Nagpur.
6. Alkabai Shripat Agare,
Age 50 years, Occ. Cook.
R/o. C/o. Chhatrapati Shivaji Prathmik Ashram School,
Mandhal, Tah. Kuhi, District Nagpur.

..... **PETITIONERS**

...VERSUS...

- 1] State of Maharashtra,
through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai-32.

- 2] The Divisional Commissioner,
Social Welfare Department,
Nagpur.
- 3] The Assistant Commissioner,
Social Welfare Department,
Nagpur.

..... **RESPONDENTS**

Shri Sanket Walde, Advocate with Shri P.S.Kshirsagar, Advocate for petitioners.
Ms Mayuri Deshmukh, Assistant Government Pleader for respondents.

CORAM : A.S.CHANDURKAR and SMT. M.S.JAWALKAR, JJ.
DATE : 4th March, 2022.

JUDGMENT (Per A.S.CHANDURKAR, J.)

- 1] **Rule.** Rule made returnable forthwith and heard the learned counsel for the parties.
- 2] The petitioners are non-teaching employees of an Ashram School and their appointment has been approved by the Competent Authority. They seek benefit of Government Resolution dated 30.04.1998 on completion of twelve years qualifying services. The learned Counsel for the petitioners submits that by virtue of that Government Resolution the petitioners would be entitled for higher pay scale. He further submits that similar issue has been decided on 23.07.2021 by this Court in Writ Petition No. 767 of 2019 (*Laxmi Gyanuji Lokhande & Ors. v/s. The State of Maharashtra and ors.*).
- 3] The learned Assistant Government Pleader for the respondents on perusing the aforesaid decision submits that the respective cases of the petitioners, could be examined to determine whether the eligibility criteria is

satisfied by them. Considering the aforesaid, we are inclined to follow the similar course as was followed in Writ Petition No. 767 of 2019. Accordingly, we pass the following order :

ORDER

i] 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 30.04.1998 and as modified from time to time; and if it is found that any or all the 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.

ii] 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.

iii] 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.

The writ petition disposed of with the aforesaid directions. Rule accordingly. No costs.

(SMT. M.S.JAWALKAR, J.)

(A.S.CHANDURKAR, J.)