

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

WRIT PETITION NO. 7857/2019

- 1] Jitendra Atmaramji Kamble,
Aged 46 years, Occ. Jr.Clerk,
R/o. C/o. Rajarshi Shahu Maharaj Madhyamik
Ashram Shala Wadner, Tal.Hinganghat,
District Wardha
- 2] Laxman Bhauraoji Bhongade,
Age 49 years, Occ. Lab Attendant,
R/o. C/o.Rajarshi Shahu Maharaj Madhyamik
Ashram Shala Wadner, Tal.Hinganghat,
District Wardha.
- 3] Atul Digambar Thool,
Aged 48 years, Occ. Helper
R/o. C/o Rajarshi Shahu Maharaj Madhyamik
Ashram Shala Wadner, Tal.Hinganghat,
District Wardha.
- 4] Sunil Ramuchand Chandekar,
Aged 48 years, Occ. Helper,
R/o.C/o.Rajarshi Shahu Maharaj Madhyamik
Ashram Shala Wadner, Tal.Hinganghat,
District Wardha.
- 5] Pandhari Pundalik Chalkhure,
Aged 50 years, Occ. Helper,
R/o. C/o.Rajarshi Shahu Maharaj Madhyamik
Ashram Shala Wadner, Tal.Hinganghat,
District Wardha.
- 6] Ulhas Namdeorao Banmare,
Aged 43 years, Occ. Kamathi,
R/o.C/o.Rajarshi Shahu Maharaj Madhyamik
Ashram Shala Wadner, Tal.Hinganghat,
District Wardha.
- 7] Arvind Padurang Madavi
Aged 44 years, Occ. Helper,
R/o. C/o.Shri Sant Gadage,
Maharaj Vimuktajati Prathamik
Ashram Shala, Jungad, Post Kedzar,
Tal.Selu, District Wardha.

- 8] Rajabhau Rambhau Vakpanjar,
Aged 49 years, Occ. Kamathi,
R/o. C/o.Shri Sant Gadage,
Maharaj Vimuktajati Prathamic
Ashram Shala, Jungad, Post Kedzar,
Tal. Selu, District Wardha.

...PETITIONERS

Versus..

- 1] State of Maharashtra,
through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai-32.
- 2] The Commissioner/Director,
Social Welfare Department,
Maharashtra State, Pune
- 3] The Regional Deputy Commissioner,
Social Welfare Department, Nagpur Division,
Nagpur.
- 4] The Assistant Commissioner,
Social Welfare Officer, Wardha,
Tq. and District Wardha.

..... RESPONDENTS

Shri Gaurav O. Gadge, Advocate with Shri P.S.Kshirsagar, Advocate for
petitioners.

Shri A.M.Deshpande, Additional Government Pleader for respondents.

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

DATE : 28th 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 21.09.2013 by the Principal Seat at Mumbai in Writ Petition No.2358 of 2013 (*Kiran Namdeo Shinde and ors. Vs. The State of Maharashtra through Secretary Social Welfare Department and ors.*) with connected Writ Petitions.

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. 2358 of 2013 with connected writ petitions. 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 including initial service of twelve years, he/she/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.)

Andurkar..