

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

41 WRIT PETITION NO.4211 OF 2023

HANMANT PUNDALIK DEVALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Gautam Jaywant Karne.
AGP for Respondent/State : Mr. S. K. Tambe.
Advocate for Respondent No.5 : Mr. K. C. Sonone.
...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 17th April, 2023.

Per Court:

1. The Petitioners pray for the first and second benefits of the ACPS.

2. Heard.

3. In so far as the second benefit is concerned, the matter is *sub-judice* as the Principal Seat has stayed its earlier order granting second ACPS benefit, in review petitions.

4. Considering the facts and circumstances of this case, to the extent of the first benefit of ACPS available after putting in 12 years service, **this Petition is disposed off** with the following directions:-

- (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 case 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.

5. The Prayer to the extent of the unpaid salaries by the employer, can be independently pursued by the Petitioners.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]