

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 WRIT PETITION NO. 7421 OF 2023

VISHWAMBAR BAJIRAO MAHSKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Pawar Ajay D.
AGP for Respondents : Mr. P.S. Patil

AND
928 WRIT PETITION NO. 7432 OF 2023

RAOSAHEB KANIRAM PAWAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...
Advocate for Petitioners : Mr. Pawar Ajay D.
AGP for Respondents : Mr. S.K. Tambe

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 05 JULY 2023

PC :

Heard the learned Advocate for the petitioners and learned
AGP finally.

2. The petitioners are the non teaching staff from Group IV or Group 'D' of the Ashram Schools run by the Social Welfare Departments are seeking declaration regarding applicability of the time bound promotion / Assured Career Progress Scheme (ACPS).

3. The parties are *ad idem* that the issue is no more *res integra* and is squarely covered by the decision in the matter of *Kiran*

Namdeo Shinde Versus State of Maharashtra and others, dated 21 September 2013, in Writ Petition No. 2358/2023 passed by this Court at Principal Seat. Similar reliefs are being claimed as was directed in paragraph no. 21 in the matter of *Kiran Namdeo Shinde* (supra).

4. We allow the Writ Petitions and issue directions as set out in paragraph no. 21 in the matter of *Kiran Namdeo Shinde* (supra).

(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 cases 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;

(vi) Petitions are disposed of on above terms.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

spc/