

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO.802 OF 2023

KIRAN LAXMAN PATIL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY
AND OTHERS

Mr.Paresh B.Patil, Advocate for the petitioners.
Mr.S.G.Sangle, AGP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : JANUARY 31, 2023

PER COURT :

1. Leave to add prayer clause 'D' is granted. Addition be carried out forthwith.

2. The petitioners have put forth prayer clause B, C and D as under :-

"B. By appropriate writ in the nature of Mandamus or any other writ of like nature or by appropriate orders and directions, the Respondents may kindly be directed to declare that, the benefits of Assured Career Progress Scheme (in short ACPS), which is applicable to the employees of Group 'C' and 'D' non-teaching staff of the aided private school in the

State under the Government Resolution dated 30th April, 1998, as modified from the time to time applicable to the non-teaching staff of the same category in private aided schools; for that purpose this Hon'ble Court may pass appropriate orders.

C. By appropriate Writ of like nature or by appropriate orders and directions, the Respondents may kindly be directed to grant the benefits of Time Bound Promotional Pay Scales to the petitioners post within period of two months under Assured Career Progress Scheme which is applicable to the employees of Group 'C' and 'D' non-teaching staff of the VJNT aided Private Schools under Government Resolution dated 30th April 1998 as modified from time to time, on the ground of the petitioners has been completed her 12 years qualifying services, from the date of her initial appointment; for that purpose this Hon'ble Court may pass necessary orders.

D. By issuance of Writ of Certiorari, the impugned letters dated 05.09.2022 and dated 19.07.2022 issued by the Respondent No.4 Authority, may kindly be quashed and set aside and the respondent No.5 and Management of the respondent No.5 School may kindly be permitted to comply with the letters dated 05.09.2022 and dated 19.07.2022 and place on relevant documents and remove deficiencies as mentioned in impugned letters."

3. We have perused the impugned letters dated 05.09.2022 and 19.07.2022, by which, the Management was directed to remove the deficiencies and submit a fresh proposal, complete in all respects.

There can be hardly any reason to cause an interference in such communications. The learned Advocate for the petitioners submits that the Management supports the petitioners and they would comply with the said directions of the Authorities and tender an appropriate proposal after removing all deficiencies and by tendering the necessary documents.

4. In view of the above, this petition is disposed off. Let the Management comply with the directions set out in the communications dated 19.07.2022 and 05.09.2022, by removing the deficiencies and by tendering the relevant documents, alongwith a fresh proposal, on or before 28.02.2023. After such proposal, complete in all respects, is tendered by the concerned employer to respondent No.4, the said Authority would consider the said proposal and decide the same on its own merits by following the due procedure laid down in Law and in the light of the policies, rules, government resolutions as may be applicable, on or before 31.05.2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)