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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 WRIT PETITION NO.12473 OF 2023

**DATTATRAYA SHANKARRAO MURKUTE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr K. P. Rodge, Advocate for Petitioner;
Mr S. K. Tambe, A.G.P. for Respondent Nos.1 to 4

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATE : 17th October, 2023

PER COURT:

1. The Petitioner prays for the second Assured Career Progression Scheme (ACPS) benefits, which were earlier available vide the Government Resolution dated 02/09/1989 and which were continued thereafter through subsequent Government Resolutions. The Petitioner has cited another Government Resolution dated 02/03/2019, vide which, according to the learned Advocate for the Petitioner, the ACPS scheme has been modified and the monetary benefits are now available after completion of 10 years, 20 years and 30 years. The Petitioner also refers to an order dated 17/08/2022, passed by the Deputy Director of Education, Latur Division, Latur in favour of one Shri. Ravindra

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Vijaykumar Karanje, who has been given the second Selection Grade ACPS benefits.

2. In the above backdrop, the Petitioner has put forth prayer clauses (B) and (C), which read as under :-

“B. By a writ of mandamus or any other appropriate writ or direction in the like nature, the respondent no.3 may kindly be directed to approve the Selection Grade Pay to the petitioner from 15.09.2019 by deciding the proposals dated 26.08.2022 and 16.11.2022 and approve the revised pay-scale of the petitioner in Selection Grade from 15.09.2019 onwards and accordingly, release the difference of arrears of salary with consequential benefits with interest to the petitioner within stipulated period of two months;

C. Pending hearing and final disposal of this writ petition, the respondent no.3 may kindly be directed to release the salary of the petitioner in the scale of S-22/60000-190800;”

3. The learned Government Pleader places reliance upon the order passed by this Court [Coram : A. A. Sayed (as His Lordship then was) and Nitin W. Sambre, JJ.], dated 10/02/2021 in Review Petition (St.) No.3452/2019 (State of Maharashtra and others Vs. Maharashtra Rajya Madhyamik Shala Shikshaketar Sanghatanache Mahamandal and others) and connected matters,

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vide which, the earlier order, granting the second ACPS benefits by the order under review, dated 04/10/2018, has been stayed.

4. In view of the above, **this Writ Petition is disposed off**, with the following directions :-

(a) The proposals dated 26/08/2022 and 16/11/2022 of the Petitioner, seeking approval to his revised pay-scale in the Selection Grade from 15/09/2019 (second ACPS benefits), be considered on their own merits.

(b) The view taken by the Deputy Director of Education, Latur Division, Latur, vide order dated 17/08/2022, the Government Resolution dated 02/03/2019 and the order under review dated 04/10/2018 (supra), shall be taken into account while scrutinizing the proposals of the Petitioner.

(c) Let this exercise be completed within 60 days from today.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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