

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

WRIT PETITION NO. 1603/2021

(SHAKUNTALA PARISHNATH RAMTEKE **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri C.N. Deshpande, counsel for the petitioner.

Shri A.A. Madiwale, Assistant Government Pleader for the respondent nos.1 to 4.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : JULY 06, 2023.

P C.

RULE. Rule made returnable forthwith. Learned Assistant Government Pleader Shri A.A. Madiwale waives notice of hearing for the respondent nos.1 to 4. Considering the nature of directions proposed to be issued, service on the respondent nos.5 and 6 is dispensed with.

2. In the present writ petition, the petitioner has claimed benefit Assured Career Progression Scheme in view of the judgment of this Court passed in Writ Petition No. 2358 of 2013 on 21.09.2013. Copy of the judgment of this Court is annexed with the writ petition.

3. We have gone through the judgment of this Court in Writ Petition No.2358 of 2013. In the aforesaid writ petition this Court has held that the benefits of ACP which are applicable to the employees of Group-C and Group-D i.e. non-teaching staff of the aided private schools in the State under the Government Resolution dated 30.04.1998 as modified from time to time, shall be available to the non-teaching staff of the same category in the private aided Ashram Schools. Since the petitioner in the present writ petition was working as non-teaching staff in the Ashram School run by the Social Welfare Department for VJNT, we have no doubt that the benefit as per the Government Resolution dated 30.04.1998 as modified from time to time, shall be available to her also in view of the decision of this Court in the aforesaid writ petition.

4. In the result, we pass the following order :

ORDER

(i) The appropriate Authority appointed by the State Government shall examine the case of the petitioner for deciding whether she satisfies the criteria laid down for availability of the benefit of ACPS to the private aided Government Schools under the Government Resolution dated 30.04.1998 as modified from time to time.

(ii) We make it clear that the petitioner would be entitled to the benefit of the said Scheme provided she satisfies the eligibility criteria which is prescribed for the corresponding non-teaching staff of the private aided schools.

(iii) We grant time of six months to the respondents to scrutinize the case of the petitioner and to consider whether she is eligible for the benefit of ACPS.

(iv) If the petitioner is found eligible, the benefit shall be extended to her as expeditiously as possible.

5. The writ petition is disposed of in aforesaid terms. Rule accordingly. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

APTE