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

WRIT PETITION NO. 942 OF 2023

1. Ashokrao Marotrao Nagpure,
aged about 63 years,
Occ. Retired as Cook,
C/o Sahebrao Patil Primary Ashram School,
Mardi, Tah. Tiosa, District – Amravati.

2. Suresh s/o Narayanrao Meshram,
aged about 62 years,
Occ. Retired as Cook,
C/o Sahebrao Patil Primary Ashram School,
Mardi, Tah. Tiosa, District – Amravati.

PETITIONERS

.....VERSUS.....

1. The State of Maharashtra,
through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai – 32.

2. The Divisional Social Welfare Officer,
Amravati Division, Amravati.

3. The Assistant Commissioner Social Welfare, Amravati,
District – Amravati.

RESPONDENTS

Shri R.N. Ghuge, Advocate for the petitioners.
Ms N.P. Mehta, Assistant Government Pleader for the respondents/ State.

CORAM : A.S. CHANDURKAR AND M.W. CHANDWANI, JJ.
DATE : 28th APRIL, 2023
ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned Counsel for the parties.

2. The learned Assistant Government Pleader waives notice for the respondents.

3. Each petitioner claims to be working as non-teaching staff in private Ashram Schools in the District of Amravati. The petitioners seek benefit of the Government Resolution dated 30/04/1998 as modified from time to time.

4. It is seen that the issues raised in the Writ Petition have been considered by this Court in *Writ Petition No. 2358/2013 (Kiran Namdeo Shinde and Ors. Vs. The State of Maharashtra, thr. Secretary, Social Welfare Dept. and Ors.)* decided on *21/09/2013* with other connected Writ Petitions.

5. In view of aforesaid, for the reasons stated in that judgment, the following order is passed :

ORDER

The order dated 1/12/2022 passed by respondent No.3 is set aside. The respondents are directed to examine the cases of each of the individual petitioner for deciding whether they satisfy the criteria laid down for claiming benefits under the ACPs to the private aided Government Schools under the Government Resolution dated 30/04/1998 as modified from time to time and if it is found that the petitioners are entitled to claim benefits under the scheme and they satisfy the eligibility criteria, the respondents shall extend the benefits to

the petitioners. The respondents shall scrutinize the cases of individual petitioners within a period of six months and extend the benefits to such of the petitioners, who are found eligible as expeditiously as possible and preferably within a period of four months from such scrutiny.

Rule is made absolute in the aforesaid terms. No costs.

(M.W. CHANDWANI, J.) (A.S. CHANDURKAR, J.)

SUMIT

Digitally signed bySUMIT CHETAN AGRAWAL
Signing Date:29.04.2023 13:00