



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

WRIT PETITION NO. 27 OF 2018

PETITIONERS

- : 1. Smt. Kamalabai Keshav Gite, Aged about 54 years, Occupation : Cook.
2. Digambar Panduji Garad, Aged about 57 years, Occupation : Kamathi.
3. Bhagwan Laxman Gawali, Aged about 58 years, Occupation : Cook.
4. Namdeo Chendu Chavan, Aged about 57 years, Occupation : Cook.

All Nos.1 to 4 are R/o. Paranda, Tah. & District Akola.

5. Smt. Bebi Shankarrao Pandharkar, Aged years, Occ. Kamathi, C/o. Govind Gurukul Primary Ashram School Riddhapur, Tah. Morshi, District Amravati.

//VERSUS//

RESPONDENTS

- : 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, Akola, Dist. Akola.
4. The Assistant Commissioner, Social Welfare Division, Amravati.

Mr. RN. Ghuge, Advocate for the Petitioners.

Mr. Nitin Autkar, AGP for Respondent Nos.1 to 4.

CORAM : SMT. ANUJA PRABHUDESSAI AND
 MRS. VRUSHALI V. JOSHI, JJ.

DATE : 6th DECEMBER, 2023.

ORAL JUDGMENT (Per: Smt. Anuja Prabhudessai, J.)

. **Rule.** Rule made returnable forthwith. Petition is heard finally with the consent of learned counsel for the respective parties.

02] The Petitioners are praying for directions against the Respondents to consider and grant the benefit of the Scheme as enumerated in Government Resolution dated 30th April, 1998, as modified from time to time. The Petitioners are also praying for consequential service benefits as enumerated in the Scheme.

03] The Petitioners are the employees of Group-C and D category/Non-teaching Staff of Private Aided Ashram School. The State Government by Government Resolution dated 30th April, 1998, issued by Education Department made applicable the benefits of Assured Career Progress Scheme (in short “ACPS”) to

the Group-C and D category employees in the Private Schools. The said Scheme was basically aimed at ensuring that after completion of 12 years of service period, the employees of Group-C and D are given benefits such as time bound promotions, higher pay scale etc.

04] Some of the Group-C and D employees of Private Aided Ashram Schools filed various petitions before the Principal Seat of this Court seeking grant of the benefit of ACPS Scheme enumerated in the Government Resolution dated 30th April, 1998 on the ground and principle of equal pay for equal work. This Court by judgment dated 21st September, 2013, declared 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.

05] Some of the Group-C and D employees from Buldhana District had filed Writ Petition Nos.178 of 2014 and 1350 of 2014 seeking relief on the basis of the judgment in Writ

Petition No.2358 of 2013 (*Kiran Namdeo Shinde & Others Vs. The State of Maharashtra & Others*) filed before the Principal Seat of this Court. This Court by judgment dated 22nd July, 2014 had allowed the petition and directed the Respondents 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 30th April, 1998.

06] It is not in dispute that the Petitioners herein are Group-C and D employees in the Private Aided Ashram School. The grievance raised by the Petitioners stands covered by the decision of the Principal Seat of this Court in Writ Petition No.2358 of 2013 as well as the decision of the Co-ordinate Bench of this Court in Writ Petition No.178 of 2014.

07] In view of the above, the present writ petition deserves to be allowed. Hence, the petition is allowed. The Assistant Commissioner/Assistant Director V.J.N.T. OBC & Special Backward Class Welfare Officer is 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 30th April, 1998, as modified from time to time. 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 entire exercise shall be concluded within a period of six weeks. In the event the Petitioners are held to be eligible and entitled for the benefits, the Respondent Nos.3 and 4 shall extend the benefits to the Petitioners as expeditiously as possible within a period of four weeks thereafter.

08] Rule is made absolute in the above terms. No order as to costs.

(VRUSHALI V. JOSHI, J.)

(ANUJA PRABHUDESSAI, J.)

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