

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

WRIT PETITION (WP) 8198/2022

1. Sau. Chaturabai Dhondiba Kandangire,
aged about 57 years, Occupation – Service,
2. Shri. Shankar Ramaji Ghorpade,
aged about 53 years, Occupation - Service,
3. Ku. Shantabai Barku Todase,
aged about 60 years, Occupation – Service,

The petitioner Nos. 1 to 3 are
r/o. c/o. Vasantrao Patil Primary Ashram School,
Pitiguda, Tahsil – Jiwati, District – Chandrapur.

4. Shri. Jagdish Parsuram Jambhulkar,
aged about 50 years, Occupation - Service,
5. Shri. Ghanshyam Karnuji Gonde,
aged about 53 years, Occupation – Service,
6. Shri Madhav Tatyaji Awatade,
aged about 50 years, Occupation – Service,
7. Shri Bhaurao Nagoba Upare,
aged about 55 years, Occupation – Service,
8. Shri Vithoba Ganpat Giradkar,
aged about 50 years, Occupation – Service,
9. Shri. Madhukar Trembak Ware,
aged about 51 years, Occupation – Service,
10. Shri. Anil Tulashiram Sherki,
aged about 50 years, Occupation – Service,
11. Shri. Uttam Balaji Sur.
aged about 49 years, Occupation – Service,

The petitioner Nos. 4 to 11 are r/o. c/o.
Madhyamik Ashram School, Pitiguda,
Tahsil – Jiwati, District – Chandrapur.

12. Shri. Narayan Digambar Kagne,
aged about 37 years, Occupation – Service,

13. Shri. Govind Devidas Rathod,
aged about 33 years, Occupation – Service,

The petitioner Nos. 12 & 13 are r/o. c/o.
Khemaji Naik Arts & Science College, Pitiguda,
Tahsil – Jiwati, District – Chandrapur.

14. Devrao Bhima Atram,
aged about 54 years, Occupation – Service,

15. Smt. Ahillyabai Keshav Chavhan,
aged about 56 years, Occupation – Service,

The petitioner Nos. 14 & 15 are
r/o. c/o. Pratibha Prathmik Ashram School,
Dhanoli, Tahsil - Korpana, District -Chandrapur.

16. Purushottam Hiranman Chavhan,
aged about 45 years, Occupation – Service,

17. Sanjay Bhayaji Minnewar,
aged about 54 years, Occupation – Service,

18. Vilas Kisan Bhatwalkar,
aged about 55 years, Occupation – Service,

19. Anil Wanuji Nikode,
aged about 48 years, Occupation – Service,

20. Ravindra Manohar Gorshettiwar,
aged about 52 years, Occupation – Service,

21. Prabhakar Tulshiram Sherki,
aged about 54 years, Occupation – Service,

22. Ku. Sushila Sitaram Sur,
aged about 58 years, Occupation – Service,
23. Gajanan Balaji Thakare,
aged about 49 years, Occupation – Service,
24. Prabhakar Zinkuji Pawar,
aged about 62 years, Occupation – Service,

The petitioner Nos. 16 to 24 are
r/o. c/o. Madhyamik Ashram School, Dhanoli,
Tahsil – Korpana, District – Chandrapur.

25. Ramesh Sakharam Madaviaged,
about 25 years, Occupation – Service,
r/o. c/o. Pratibha Prathmik Ashram School,
Dhanoli, Tahsil – Korpana, District – Chandrapur.
26. Shri. Vijay Jairam Mande,
aged about 51 years, Occupation – Service,
27. Shri Pandarinath Mahadeo Zade,
aged about 60 years, Occupation – Service,
28. Shri Balaji Laxman Chavhan,
aged about 48 years, Occupation – Service,
29. Shri. Rahul Gangaram Deogade,
aged about 52 years, Occupation – Service,
30. Shri. Gosai Shitaram Petkar,
aged about 53 years, Occupation – Service,
31. Smt. Godabai Namdeo Tambole,
aged about 55 years, Occupation – Service,
32. Shri. Dhamodar Ramkrushna Randive,
aged about 56 years, Occupation – Service,

The petitioner Nos. 26 to 32 are
r/o. c/o. Madhyamik Ashram School, Karwa,
Tahsil and District – Chandrapur.

33. Ku. Nirmala Yadhav Todase,
aged about 54 years, Occupation – Service,
34. Shri. Ramesh Pundlik Chopawar,
aged about 59 years, Occupation – Service,
35. Shri. Subhash Maroti Ilamkar,
aged about 51 years, Occupation – Service,

The petitioner Nos. 33 to 35 are
r/o. c/o. Khemaji Naik Prathamik Ashram School,
Karwa, Tahsil and District – Chandrapur.

36. Ganesh Namdeo Mahakulkar,
aged about 46 years, Occupation – Service,
37. Sudhakar Namdeo Rathod,
aged about 38 years, Occupation – Service,
38. Sadashiv Pandurang Madavi,
aged about 50 years, Occupation – Service,
39. Uttam Baliram Zade,
aged about 49 years, Occupation – Service,
40. Vinod Uttam Awatade,
aged about 46 years, Occupation – Service,
41. Vyankat Pandurang Rathod,
aged about 41 years, Occupation – Service,
42. Ramesh Shravan Bhukya,
aged about 37 years, Occupation – Service,
43. Praful Bapurao Haste,
aged about 50 years, Occupation – Service,
44. Shrikant Maroti Khandalkar,
aged about 41 years, Occupation – Service,
45. Prabhakar Rama Ware,
aged about 51 years, Occupation – Service,

The petitioner Nos. 36 to 45 are
r/o. c/o. Ghamabai Madhyamik
(Niwasi) Ashram School Baranj
Tanda, Tahsil Bhadrawati,
and District – Chandrapur.

..... PETITIONER(S)

// VERSUS //

1. The State of Maharashtra,
through its Secretary, Other Backward Bahujan
Welfare Department, Mantralaya, Mumbai-32.
2. The Assistant Commissioner, Social Welfare
Department, Chandrapur Division, Chandrapur
3. The Regional Deputy Commissioner,
Social Welfare Department,
Nagpur Division, Nagpur.
4. The Director, Gadchiroli, Other Backward
Bahujan Welfare, Directorate,
State of Maharashtra, Pune.

.... RESPONDENT(S)

Mr. Abdul Subhan, Advocate for the petitioners
Mr. M. K. Pathan, AGP for the respondents

**CORAM : ROHIT B. DEO AND
Y.G. KHOBRAGADE, J.J.**

DATED : 30/01/2023

ORAL JUDGMENT : (PER:- ROHIT B. DEO, J.)

Heard Mr. Abdul Subhan, learned Counsel for the
petitioners and Mr. M. K. Pathan, learned Assistant Government Pleader
for the respondents.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent.

3. The petitioners are members of non-teaching staff of Private Aided VJNT Ashram Schools in Chandrapur District and they seek to rely upon the Government Resolutions dated 30.04.1998 and 02.03.2019 for seeking benefits under the 'Assured Career Progression Scheme' (ACPS).

4. It is not in dispute that this Court has earlier decided similar issue in Writ Petition 2254/2021 (*Sanjay Vasantrao Bandurkar and ors. Vs. The State of Maharashtra and ors.*) decided on 11.07.2022 and Writ Petition 767/2019 (*Laxmi Gyanuji Lokhande and ors. vs. The State of Maharashtra and ors.*) decided on 23.7.2021, wherein following directions have been issued:

"3. The respondents shall examine the cases of each of the individual petitioners for deciding whether they satisfy the criteria laid down for claiming benefits under the Assured Career Progression Scheme, applicable to the private aided schools under Government Resolution dated 30/4/1998 and as modified from time to time; and if it is found that any or all the petitioners do satisfy the eligibility criteria, he/they shall be extended benefits of the Scheme by the respondents. Let such exercise be completed within a period of six months from the date of receipt of a copy of this order.

4. The respondents shall not unduly delay grant of benefits to such of the eligible petitioners immediately after a decision is taken in terms of this order. In any event, payment of monetary benefits in favour of the

eligible petitioners must be made within three months from the date of the decision.

5. We also make it clear that if any of the petitioners is not found entitled to the benefits of the Scheme, a reasoned order shall be passed and communicated to him.”

5. This writ petition is disposed of in terms of all the directions referred in paragraph 4 herein.

6. Rule is made absolute in aforesaid terms with no order as to costs.

(Y.G. KHOBRAGADE, J.)

(ROHIT B. DEO J.)

SANDIP
MAHADEV
GATE

Personal Assistant to the
Hon'ble Judge
Digitally signed by
SANDIP MAHADEV GATE
Date: 2023.02.02
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