



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1081 WRIT PETITION NO. 5423 OF 2022

SHIVKUMAR GANGADHAR PALIMKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Mr.Ketan D. Pote i/by Mr.
Ambetkar Arvind G.

AGP for Respondents 1 to 5/State : Mr. R.S. Wani

...

CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 31st January, 2024

Per Court :-

1. This matter is mentioned out of turn.
2. The learned AGP accepts notice for all the Respondents.
3. The learned Advocate for the Petitioner submits that the issue in the present Petition is covered by the orders of this Court in various Writ Petitions, such as Writ Petition No.446 of 2015 decided on 15.6.2015. The learned AGP, on going through the said order and the present Petition, confirms that the Petitioner is similarly situated.
4. In the light of the above, we pass the following

order:

(I) We declare 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;

(II) The appropriate authority appointed by the State Government shall examine the case of the Petitioner for deciding, whether, he satisfies the criteria laid down for availability of the benefit of ACPS to the private aided Government schools under the Government Resolution dated 30th April 1998, as modified from time to time;

(III) We make it clear that the Petitioner will be entitled to the benefit of the said scheme, provided he satisfies the eligibility criteria, which is prescribed for the corresponding non-teaching staff of the private aided schools;

(IV) We grant time of six months to the Respondents to scrutinize the case of the Petitioner and to consider,

whether, he is eligible for the benefit of ACPS;

(V) If the Petitioner is found eligible, the benefit shall be extended to him, as expeditiously as possible;

5. In the light of the above, **this Writ Petition is disposed off.** No costs.

kps (Y. G. KHOBRADE, J.) (RAVINDRA V. GHUGE, J.)