



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO.4457 OF 2024

1. Alka Laxman Pawar
 2. Arvind Dashrath Gawande
 3. Jitendra Vishwanath Sonawane
 4. Rekha Jagdev Chinchole
 5. Dongar Ratan Pawar
- .. Petitioners**

Versus

1. The State of Maharashtra
Through Secretary,
Other Backward Bahujan Welfare
Department, Mantralaya,
Mumbai-32.
 2. The Director,
Other Backward Bahujan Welfare,
Maharashtra State, Pune.
 3. The Divisional Deputy Director
(Commissioner), Other Backward
Bahujan Welfare,
Aurangabad Division, Aurangabad.
 4. The Assistant Director (Commissioner),
Other Backward Bahujan Welfare
Department, Aurangabad, Dist. Aurangabad.
- .. Respondents**

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WITH
WRIT PETITION NO. 3262 OF 2024

1. Shashikant Bhaskar Suryawanshi
 2. Rutuja Satish Salve
 3. Smt. Manda Ganesh Gaikwad
 4. Smt. Yogita Hiraji Bhapkar
 5. Fasabai Babu Bote
- .. Petitioners**

Versus

1. The State of Maharashtra
Through Secretary,
Other Backward Bahujan Welfare
Department, Mantralaya,
Mumbai-32.
2. The Director,
Other Backward Bahujan Welfare,
Maharashtra State, Pune.
3. The Divisional Deputy Director
(Commissioner), Other Backward
Bahujan Welfare, Nashik Division,
Nashik.
4. The Assistant Director (Commissioner),
Other Backward Bahujan Welfare
Department, Ahmednagar, Dist. Ahmednagar. .. Respondents

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WITH
WRT PETITION NO. 2575 OF 2024

1. Dilip Gabaji Thite
2. Bhaskar Kundalik Bhosle
3. Parvat Dhnyanu Falke .. Petitioners

Versus

1. The State of Maharashtra
Through Secretary,
Other Backward Bahujan Welfare
Department, Mantralaya,
Mumbai-32.
2. The Director,
Other Backward Bahujan Welfare,
Maharashtra State, Pune.
3. The Divisional Deputy Director
(Commissioner), Other Backward
Bahujan Welfare, Nashik Division,
Nashik.

4. The Assistant Director (Commissioner),
Other Backward Bahujan Welfare
Department, Ahmednagar, Dist. Ahmednagar. .. Respondents

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WITH

WRIT PETITION NO. 2560 OF 2024

Shashikant Dilip Patil .. Petitioner

Versus

1. The State of Maharashtra
Through Secretary,
Other Backward Bahujan Welfare
Department, Mantralaya,
Mumbai-32.
2. The Director,
Other Backward Bahujan Welfare,
Maharashtra State, Pune.
3. The Divisional Deputy Director
(Commissioner), Other Backward
Bahujan Welfare, Nashik Division,
Nashik.
4. The Assistant Director (Commissioner),
Other Backward Bahujan Welfare
(Social Welfare Department), Dhule. .. Respondents

...

WITH

WRIT PETITION NO. 2468 OF 2024

Madhukar Kaluji Adhe .. Petitioner

Versus

1. The State of Maharashtra
Through Secretary,
Other Backward Bahujan Welfare
Department, Mantralaya,
Mumbai-32.

2. The Director,
Other Backward Bahujan Welfare,
Maharashtra State, Pune.
3. The Divisional Deputy Director
(Commissioner), Other Backward
Bahujan Welfare, Aurangabad Division,
Aurangabad.
4. The Assistant Director (Commissioner),
Other Backward Bahujan Welfare
(Social Welfare Department), Jalna.

.. Respondents

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Mr. A. D. Pawar, Advocate for the Petitioners in all the petitions.
Mr. P. S. Patil, AGP for Respondents- State in all the petitions.

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**CORAM : MANGESH S. PATIL AND
SHAILESH P BRAHME, JJ.**

DATE : 09 JULY 2024

ORDER :-

The petitioners in all these petitions, who are the non teaching staff of Private Aided Ashram Schools run under the Other Backward Bahujan Welfare Department, are seeking declaration regarding applicability of the time bound promotion/Assured Career Progression Scheme (ACPS) to them in the light of the decision in the matter of **Kiran Namdeo Shinde Vs. The State of Maharashtra and others, Writ Petition No.2358 of 2023 with connected petitions (Principal Seat) decided on 21.09.2013.**

2. We have heard both the sides.

3. In **Kiran Namdeo Shinde's** matter (Supra), for the elaborate reasons recorded therein, it was expressly held that the benefit of ACPS would be applicable even to the non teaching staff of the aided private schools as per the Government Resolution dated 30.04.1998.

4. Subsequently, even in the matter of **Prashant Anandrao Borse and others Vs. The State of Maharashtra and others, Writ Petition No.4202 of 2012 (Aurangabad Bench) decided on 21.01.2014**, it was expressly declared that the scheme evolved by Government Resolutions dated 18.09.2000, 08.06.1995 and 27.03.2000 would be applicable to Class-IV / Group-D employees of aided Ashram Schools.

5. In view of such consistent view being taken by these two benches and the several other subsequent benches in different matters, we allow the writ petitions and issue following directions :-

- i) It is declared that the benefit of ACPS would be applicable to the petitioners and the similar Group-D non teaching staff of aided Private Schools under the Government Resolution dated 08.06.1995, 27.03.2000, 18.09.2000 and 30.04.1998 as modified by subsequent resolutions issued from time to time.
- ii) The appropriate authority appointed by the State Government shall examine individual cases of the petitioners for deciding whether

they satisfy the criteria laid down therein for deriving the benefit of ACPS. The exercise shall be concluded within four months.

iii) The petitioners who would be found entitled to derive the benefit shall be extended the benefit immediately.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

scm