



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

924 WRIT PETITION NO. 7117 OF 2024

Motiram Laxman Pendor

Age : 60 years, Occu: Pensioner,

R/o : Rajgad, Tq. Kinwat,

Dist. Nanded.

...Petitioner

Versus

1. The State Of Maharashtra
Through Its Secretary
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Commissioner,
Tribal Development, Nashik.
3. The Additional Commissioner,
Tribal Development, Amravati.
4. The Project Officer,
Integrated Tribal Development
Project, Kinwat, Dist. Nanded.

...Respondents.

AND

937 WRIT PETITION NO. 7162 OF 2024

Rajaram s/o Purbha Jadhav

Age : 54 years, Occu: Service,

R/o : Lat Somsingh Naik Secondary

Ashram School, Vitthalnagar, Loha

Tq. Loha, Dist. Nanded.

...Petitioner

Versus

1. The State Of Maharashtra
Through Its Secretary
Other Backward Bahujan Welfare Department,
Mantralaya, Mumbai-32.
2. The Director,
Directorate of Other Backward Bahujan
Welfare Department, Pune-1.

3. The Regional Deputy Director,
Other Backward Bahujan Welfare
Department, Latur.

4. The Assistant Director,
Other Backward Bahujan Welfare,
Nanded.

...Respondents.

...

Advocate for the Petitioner in both petitions : Mr. Vijay Anikrao Dhakne
AGP for Respondents/State in WP-7117-2024 : Mr. N.D. Batule
AGP for Respondents/State in WP-7162-2024 : Mr. K.S. Patil

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

DATE : 11 JULY 2024

PER COURT :

. The petitioners who are employees of Private Aided Ashram Schools, working under the Tribal Development Department/ Other Backward Bahujan Welfare Department, are seeking to derive the benefit of Assured Career Progression Scheme (ACPS) under various Government Resolutions and particularly 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 the High Court 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 Ashram 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, J.]

[MANGESH S. PATIL, J.]