



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 WRIT PETITION NO. 8463 OF 2024

ALKA VASANT KANDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...
Advocate for petitioner : Mr. Ajay D. Pawar
Addl. GP for the respondent – State : Mr. A.R. Kale
...

**CORAM : MANGESH S. PATIL &
S.G. CHAPALGAONKAR, JJ.**

DATE : 09 AUGUST 2024

ORAL ORDER (MANGESH S. PATIL, J.) :

The petitioner in this petition, who is a non teaching staff of Private Aided Ashram School run under the Other Backward Bahujan Welfare Department, is seeking declaration regarding applicability of the time bound promotion/Assured Career Progression Scheme (ACPS) to her 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 petition and issue following directions :-

- i) It is declared that the benefit of ACPS would be applicable to the petitioner who is a 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 case of the petitioner for deciding whether she satisfies the criteria laid down therein for deriving the benefit of ACPS. The exercise shall be concluded within four (4) months.

iii) The petitioner, if found entitled to derive the benefit, shall be extended the benefit immediately.

[S.G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

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