



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 6626 OF 2024
WITH
WRIT PETITION NO. 4049 OF 2024**

WRIT PETITION NO. 6626 OF 2024

- 1) Rajkumar Pahumal Chainani,
Age: 61 years, Occu. Jr. Clerk (Retd)
C/o.Sindhi Hindi High School,
Amravati, Distt. Amravati.
- 2) Nandlal Mathuradas Chanchlani,
Age: 55 years, Occu. Service
C/o.Sindhi Hindi High School,
Amravati, Distt. Amravati.
- 3) Manohar Shantaram Daterao,
Age: 57 years, Occu. Service,
C/o.Sindhi Hindi High School,
Amravati, Distt. Amravati.
- 4) Keshav Punjabrao Patil,
Age: 56 years, Occu. Service(Jr. Clerk),
C/o. Shri Mannalal Gupta Vidhyalaya,
Tq. Chandur Railway, Distt. Amravati.
- 5) Purushottam Bhagwanji Jaisingpure,
Age: 59 years, Occu. Retired,
C/o.Sant Lahanuji Maharaj Vidhya Mandir,
Lotwada, Tah.Daryapur, District- Amravati.
- 6) Balu S/o Sheshrao Wankhade,
Age: 58 years, Occ. Service (Jr. Clerk),
C/o.Jivan Vikas Vidhyalaya, Kamalpur,
Eatora, Tq. Anjangaon Surji, Distt. Amravati.
- 7) Bapurao Omkarram Palaspagar,
Age: 60 years, Occ. Jr. Clerk (Retd.)
C/o.Sahebrao Vishwanath Kokade Vidhyalaya,
Daryapur, Tq. Daryapur, Distt. Amravati.

- 8) Sau.Mahananda Vilas Rahate,
Age: 59 yrs, Occu. Jr. Clerk (Retd.)
- 9) Shrikrushna Ganesh Saraskar,
Aged about: 59 yrs.
Occu. Lab. Assistant (Retired)
- 10) Vijay S/o Ramrao Tekade
Age: 57 years, Occu. Service (Peon)
Nos.8 to 10 C/o.Rani Laxmibai Vidhyalaya,
Chandurbazar, Tq. Chandur Bazar,
District-Amravati.
- 11) Suresh Pralhadrao Dhore,
Age: 61 years, Occu. Jr. Clerk (Retd)
C/o.Late Motiramji Malge Vidhyalaya
Kumbhargaoon, Tq. Anjangaon,
District-Amravati.
- 12) Mohd. Arif Mohd. Yusuf
Age: 55 years, Occu. Service
C/o. Urdu High School Ridhapur,
Tq. Morshi, Distt. Amravati
- 13) Shri D. M. Thakare,
Age: 61 years, Occu. Lab. Attendance (Retd.)
C/o.Late Pratapsing Upadhyay Balasaheb
Deshmukh School, Jarud, Tah. Warud,
Distt. Amravati.
- 14) Sanjay Gajananrao Deshmukh,
Age: 60 years, Occu. Lab. Attendance (Retd.)
- 15) Rajendra Dattatray Randale
Age: 62 years, Occ. Jr. Clerk (Retd)
- 16) Rajendra Ramkrushna Tayade,
Age: 62 years, Occu. Peon (Retd.)
Nos.14 to 16 C/o. E.S. Highschool
Ridhapur, Tah. Morshi, District Amravati.
- 17) Ashok Madhukarrao Ghate,
Age: 62 years, Occu. Peon (Retd.)
C/o.Shri Shivaji High School Ramtirth,
Tq. Daryapur, District Amravati.

- 18) Shri S. S. Mairal,
Age: 59 years, Occ.Jr. Clerk (Retd)
C/o.Matoshri Ramabai Vidhayalaya,
Amravati.
- 19) Shri R. B. Lohkare,
Age: 65 years, Occu. Jr.Clerk (Retd)
C/o.Dr.Babasaheb Ambedkar
Vidhyalaya Frezarpura, Amravati.
- 20) Angad Natthuji Tayale,
Age: 63 years, Occu. Peon (Retd.)
- 21) Baburao Ramkrushna Gavner,
Age: 58 years, Occu. Peon (Retd.)
- 22) Ramesh Gopi Dhurve,
Age: 59 years, Occu. Peon (Retd.)
Nos.20 to 22 C/o.G. K. Khapre Vidhyalaya
Thugaon Pimpri, Tq. Chandur Bazar,
Dist. Amravati.
- 23) Vijay Dhansaji Damodare
Age: 63 years, Occu. Peon (Retd.)
C/o. Rashtrasant Tukdoji Maharaj
Vidhyalaya Pimpri Thugaon,
Tq. Chandur Bazar, District Amravati.
- 24) Sanjay Pralhadrao Gawande,
Age: 60 years, Occu. Jr.Clerk (Retd)
C/o.Swami Vivikanand Vidhayalay,
Kasbegavhan, Distt. Amravati.
- 25) Gulab Laxmanrao Yawale,
Age: 58 years, Occ. Service,
C/o.Jagrut Vidhayala Warud,
District – Amravati.
- 26) Bhaskar Annaji Dhevale,
Age: 59 years, Occ. Jr.Clerk (Retd.)
C/o.Shri Saibaba Vidhyalaya J.M. K.M.V &
M.S.V.C. Division, Amravati.

- 27) Ramkrushna Santoshrao Thakre,
Aged about: 62 years,
Occ. Lab Attendant (Retd.),
C/o.Jagrut Vidhyalaya, Ekdara, Warud,
Tq. Warud, Distt. Amravati.
- 28) Shri S. K. Chaudhari,
Age: 63 years, Occu. Jr. Clerk (Retired)
C/o.Keshavrao Lande Madhyamik Vidhyalaya,
Benora, Tq. Warud, District Amravati
- 29) Sushila Bhagwan Ingle,
Age: 61 years, Occu. Lab Attendant (Retd.),
C/o.Matoshri Ramabai Ambedkar
Shyamnagar Vidhyalaya, Amravati.
- 30) Shalikram Mahadeorao Malave,
Age: 53 years, Occ. Service (Peon)
C/o.Adarsha Vidhyalaya Jawla Shahpur,
Tq. Chandur Bazar, District Amravati.
- 31) Prakash Bhaurao Ulayukar,
Age: 56 years, Occu. Service
- 32) Manohar Jogilal Rathor
Age: 53 years, Occu. Service,
Nos.31 & 32 C/o.Devakinandan
Vidhyalaya, Surali, Dist. Amravati.
- 33) Harishchandra Marotrao Dhondhe
Age: 55 years, Occu. Service,
C/o.G.K. Khapre Vidhyalaya Thugaon Pimpri,
Tq. Chandur Bazar, District Amravati.
- 34) Bhimrao Shivramji Pachare,
Age: 67 years, Occu. Peon (Retd.)
C/o.E.S. High School Riddhapur,
Tq. Morshi, Distt. Amravati.
- 35) Pradip Bhagwantrao Bhoke,
Age: 61 years, Occu. Peon (Retd.)
C/o.Navalajibaba Vidhyalaya
Mangrud Belapur, Tq. Morshi,
District – Amravati.

- 36) Shyam Ramnivasji Nanvadar
Age: 53 years, Occu. Service
C/o.G. R. Kabra Vidhyalaya,
Chandur Bazar, Distt. Amravati.
- 37) Prabhakar Narayanrao Patil,
Age: 55 years, Occu. Service,
C/o.G. R. Kabra Vidhyalaya,
Chandur Bazar, Distt. Amravati.
- 38) Prakash Govindrao Savale,
Age: 62 years, Occu. Peon (Retd.),
C/o.G. R. Kabra Vidhyalaya,
Chandur Bazar, Distt. Amravati.
- 39) Satish Sheshram Bhokse,
Age: 54 years, Occu. Service,
C/o.Smt. Dwarkabai Tivsekar Vidhyalaya
Sonori, Tq. Chandur Bazar, Distt. Amravati.
- 40) Ashish Madhukarrao Deshmukh
Age: 59 years, Occu. Retired (Peon)
- 41) Lalita Samrutrao Shende,
Age: 59 years, Occu. Retired (Peon)
- 42) Nandkumar Rambhau Gaidhane
Age: 58 years, Occu. Service (Peon)
- 43) Pralhad Mahadeorao Solanke,
Age: 61 years, Occu. Peon (Retd.)
Nos.40 to 43 C/o.Jijamata Madhyamik
Vidhyalaya Chandur Bazar,
District – Amravati.
- 44) Sevanand Sadashivrao Wakode,
Age: 60 years, Occ. Sr. Clerk (Retd.)
C/o.Shriramkrushna Krida Vidhyalaya,
H.VPM. Amravati.
- 45) Prakash Ajabrao Dhakare,
Age: 62 years, Occ. Jr. Clerk (Retd.)
C/o.Shri Sant Gadgebaba Maharaj
Vidhyalaya, Navathe Nagar, Amravati.

- 46) Suresh Ramaji Chaware,
Age: 62 years, Occ. Peon (Retd.)
C/o.Shri Sant Gadgebaba Maharaj
Vidhyalaya, Navathe Nagar, Amravati.
- 47) Suresh Makodaji Sardar,
Age: 62 years, Occu. Peon (Retd.)
C/o.Shrivan Vikas Vidhyalaya
Gopal Nagar, Amravati.
- 48) Bhaskar Atmaramji Gade,
Age: 64 years, Occ. Peon (Retd.)
C/o.Shri Sant Gadgebaba Maharaj
Vidhyalaya, Navathe Nagar, Amravati.
- 49) Raju Mukindrao Kurhale,
Age: 59 years, Occu. Peon (Retd.)
C/o.Smt. Dwarkabai Tivasekar Vidhyalaya
Sonori, Tq. Chandur Bazar, District-Amravati.
- 50) Jagdish Ruprao Deshmukh,
Age: 62 years, Occu. Peon (Retd.)
- 51) Kishor Mahadeorao Kitkule,
Age: 60 years, Occu. Peon (Retd.)
Nos.50 & 51 C/o.Raja Shivaji Vidhyalaya,
Achalpur Camp, Distt. Amravati.
- 52) Sudhakar Namdeorao Ghurade
Age: 66 yrs. Occu. Service (Jr. Clerk),
C/o. Holycross Marathi High School,
Amravati.

.... **PETITIONERS**

// VERSUS //

- 1) The State of Maharashtra,
through the Secretary,
School Education Department,
Mantralaya, Mumbai -400 032.
- 2) State of Maharashtra,
through its Principal Secretary,
Finance Department, Government of
Maharashtra, Mantralaya,
Mumbai-400 032.

- 3) The Director of Education,
(Secondary & Higher Secondary),
Maharashtra State, Pune-1.
- 4) The Deputy Director of Education,
Amravati Division, Amravati.
- 5) The Education Officer (Secondary)
Zilla Parishad, Amravati,
District-Amravati.

.... **RESPONDENTS**

Mr. Ram Karode, Advocate for the Petitioner.
Mr. S. V. Narale, Assistant Government Pleader
for Respondents.

WITH

WRIT PETITION NO. 4049 OF 2024

- 1) Milind Baburao Lanjewar,
aged 62 yrs., Occu. Retired,
r/o Kumbhare Nagar, Gondia,
Dist. Gondia 441601.
- 2) Dalpat Baliram Rahangdale,
aged 64 yrs., Occu.-retired,
r/o Gajanan Colony, Pandey Layout,
Kudwa, Gondia, Dist. Gondia 441614.
- 3) Mohanlal Bhaiyyalal Patle,
aged 68 yrs., Occu.-retired,
r/o B.M.Patel Ward, Kudwa Road,
Gondia, Dist. Gondia 441614.
- 4) Sureshkumar Hiralalbhairathod,
aged 61 yrs., Occu.-retired,
r/o Ramnagar, Vasant Tall,
Opp. Anil Kirana Stores, Gondia,
Dist. Gondia 441614.

.... **PETITIONERS**

// VERSUS //

- 1) The State of Maharashtra
through its Secretary,
School Education and Sports Department,
Mantralaya, Mumbai 400032.

- 2) The State of Maharashtra,
through its Secretary, Finance Department,
Mantralaya, Mumbai 400032.
- 3) The Deputy Director of Education,
Nagpur Division, Balbharati,
Opp. Dhantoli Park, Dhantoli,
Nagpur 440012.
- 4) The Education Officer (Secondary),
Zilla Parishad, Gondia,
Dist. Gondia 441601.
- 5) The Education Officer (Primary),
Zilla Parishad, Gondia,
Dist. Gondia 441601.

.... **RESPONDENTS**

Mr. B. G. Kulkarni, Advocate for the Petitioners.
Mr. S. V. Narale, Assistant Government Pleader for
Respondent Nos.1 to 4.
Mr. Aniket Gujar, Advocate h/f. Mr. A. M. Dixit,
Advocate for the Respondent No.5.

CORAM : **MRS. M. S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.

DATE ON RESERVING THE JUDGMENT : **04/02/2026**
DATE ON PRONOUNCING THE JUDGMENT : **12/03/2026**

COMMON JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith.
Matters are taken up for final hearing at the stage of admission
by consent and request of the parties.
2. As common issue is arising in both the Petitions, they
are taken up to decide together. Writ Petition No. 6626/2024 is

taken as leading case for consideration of facts and other material.

3. The Petitioners by this petition are challenging the validity and propriety of the Government Resolution dated 14.03.2024, which implements the second benefit under the Modified Assured Career Progression Scheme to the non-teaching employees of the grant-in-aid schools, after completion of 24 years of service, from 01.01.2024. The Petitioners are further seeking directions to release the consequential benefits namely revised pay fixations, arrears of salary, revised retirement benefits, monthly pension and directions to release all monetary benefits.

4. The Petitioners are non-teaching employees working in Secondary schools in the State of Maharashtra in Group-C and Group-D posts. In order to avoid stagnation in promotion, the State Government has implemented a Time Bound Promotion Scheme dated 08.06.1995, which was later cancelled and replaced by the Assured Career Progression Scheme

(hereinafter referred to as “ACPS”) vide Government Resolution dated 20.07.2001.

5. The ACPS was modified as per Government Resolution dated 01.04.2010 and grant of first benefit (Senior Scale) after completion of 12 years of service from the date of joining and second benefit after completion of 24 years of service was made applicable to employees of Government, Zilla Parishad, Municipal Councils, Corporations, Universities and teachers of grant-in-aid schools. The modified ACPS was implemented with effect from 01.10.2006.

6. It is contended that after 14 years, the Respondent No. 1 issued a Government Resolution dated 14.03.2024, thereby granting second benefit after service of 24 years to the non-teaching employees of grant-in-aid schools with effect from 01.01.2024. It is the contention of the Petitioners that they are eligible for the second benefit from their respective due dates as mentioned in Annexure-A and in the list at page-2 of Writ Petition No.6626/2024 and Writ Petition No.4049/2024 respectively.

7. It is the contention of the Petitioners that, the Government Resolution dated 01.04.2010 was made applicable to the employees of the Government and teaching staff from 01.10.2006 and therefore the implementation date of the Government Resolution dated 14.03.2024 is discriminatory and arbitrary.

8. It is further contended by the Petitioners that the issue of grant of second benefit after 24 years of service to the non-teaching employees of grant-in-aid schools has been already decided by this Court in Writ Petition No. 334/2018 vide its judgment and order dated 04.10.2018 and the employees were held to be entitled from due dates along with all consequential benefits and was made applicable to all the non-teaching employees of the schools in the State.

9. In support of their claim, the learned counsel for the Petitioners have relied on judgment in **Writ Petition No.334/2018** (*Shri Suresh Bhanudas Shinde & Anr. vs. The*

State of Maharashtra & Ors.) with other connected matters, dated 04.10.2028.

10. *Per Contra*, the Respondent No.1 and 4 in its reply, submitted that, ACPS is an incentive scheme and not a statutory right of the employees. The implementation of ACPS is not a statutory obligation of the State Government and therefore the employees cannot claim benefits as a matter of right under the scheme. It is further contended that the State Government is the only competent authority to take policy decision regarding the employees in this matter and therefore the petition is liable to be quashed and set aside.

11. It is further contended by the Respondents that, the nature of work provided by the teaching and non-teaching staff of the schools is different from each other and the non-teaching employees are not the Government Employees of the State, therefore, the Petitioners cannot claim parity with the Teaching Staff of the Government. It is contention of the learned AGP that it is a policy decision and many factors affecting to give the date of implementation in the GR.

12. The Assistant Government Pleader for the Respondents/State relied on **State of Maharashtra & Anr. vs. Bhagwan & Ors.**, with connected matters, reported in (2022) 4 SCC 193.

13. Heard learned counsel for the respective parties at length. Perused the documents placed on record and considered the citations relied on by the learned Counsel for the parties.

14. The petitioners relied on the judgment in *Writ Petition No.334 of 2018 and connected matters* (supra), wherein the Principal Seat of this Court held in paras 5 and 6 as under:

“5 Having regard to the fact that there are already precedents by way of order passed in Writ Petition No.922 of 2014 and Writ Petition No.924 of 2014, we deem it appropriate to follow the said precedents. We are also informed by the Learned Counsel appearing on behalf of the Petitioners that the second benefit is already extended by the Higher Education Department by Government Resolution dated 15-2-2011 to the teaching staff, as also the teachers working in the School Education Department are getting the said benefit. We therefore find no reason as to why the said benefit cannot be extended to the Petitioners above named. The above Petitions are accordingly allowed to the extent of directing the Respondents to grant the

second benefit after 24 years of service to the Petitioners, if they are entitled to the same. The same to be done within 8 weeks from date. Rule is accordingly made absolute in the aforesaid terms.

6 We hope and trust that the Respondents would extend the benefit of the Assured Career Progression Scheme in so far as the second benefit after 24 years is concerned to all the non teaching staff who are similarly situated as the Petitioners above named and it would not be necessary for them to approach this court for getting the said relief.”

15. In the above judgment, the Principal Seat relying on the judgment in Writ Petition No.922 of 2014 and 924 of 2014 directed the respondents therein to grant second benefit after 24 years to all the non-teaching staff, who are similarly situated as the petitioners and it would not be necessary to them to approach this Court for getting the said relief. Relying on the judgment dated 15/10/2018 in **Writ Petition No.6050 of 2018** (*Santosh s/o Ramji Ade & oths. v. State of Maharashtra & oths.*) along with other connected matters, this Court held that the benefit of ACPS is applicable to the employees of Group-C and Group-D non-teaching staff of the aided private schools in the State under the GR dated 30/04/1998 as modified from time to time. However, it was also directed to appropriate Authority

appointed by the State Government to examine the individual cases of the petitioners for deciding whether they satisfy the criteria laid down for availability of the benefit of ACPS to the private aided Government schools. It is also made clear that the petitioners will be entitled to the benefit of the said scheme, provided them to satisfy the eligibility criteria, which is prescribed for the corresponding non-teaching staff at the private aided schools.

16. Our attention is drawn to the GR dated 14/03/2024 by which the second ACPS is made applicable with effect from 01/01/2024. In view of the observations made in *Writ Petition No.334 of 2020 along with connected matters (supra)*, the judgment was made applicable to all the non-teaching staff at the private grant-in-aid schools. The petitioners in the said petition were granted the relief of second benefit of ACPS from the completion of 24 years of service from their first appointment. The arrears of salary and all consequential benefits were also granted. Thus, implementation of second benefit of ACPS as per GR dated 14/03/2024 is contrary to the directions issued by this Court in the judgment in *Writ Petition*

No.334 of 2018 along with connected matters (supra). Thus, the stipulation on the date of implementation of second ACPS is arbitrary and against the decision of this Court. As such, we proceed to pass following order.

ORDER

- (i) Both the writ petitions are allowed.
- (ii) The impugned GR dated 14/03/2024 to the extent that it is made applicable to the non-teaching staff with effect from 01/01/2024 with retrospective effect is hereby quashed and set aside.
- (iii) The respondents are hereby directed to grant second benefit of ACPS to the petitioners from the date mentioned in the chart at Annexure-A in Writ Petition No.6626 of 2024 and Chart reproduced in para-2, page-4 in Writ Petition No.4049 of 2024 as per the provisions of GR dated 01/04/2010. However, the same is subject to examination of individual cases for deciding whether they

satisfy the criteria laid down for availability of the benefit of ACPS.

- (iv) The petitioners shall have to satisfy the requisite eligibility criteria.
- (v) We direct the respondents to apply second ACPS to the petitioners as early as possible preferably within a period of six months. Needless to mention here that the petitioners are entitled to all the consequential benefits, i.e. revised pay fixation, arrears of salary, revised retirement benefits, monthly pension, which have been released, within a period of six months from the date of this order.

17. Rule is made absolute in the above terms. No costs.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)