



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

WRIT PETITION NO. 5608 OF 2023

- 1) Toteswar Kamtaprasad Turkar,
Aged : 62 Years, Occp.: Retired,
R/o- Bank Colony, Risama, Post-Amgaon,
Tah.- Amgaon, Distt.-Gondia-441902.
- 2) Likhiram Ramaji Bopche,
Aged : 58 Years, Occp.: Retired,
R/o-Dwarakadham, Kidangipar Road,
Amgaon, Tah.-Amgaon, Distt.-Gondia.
- 3) Shyamlal Chaitram Bopche,
Aged : 61 Years, Occp.: Retired,
R/o- Ghubbatola, Post-Kalimati,
Tah.-Goregaon, Distt.-Gondia.
- 4) Peparaj Vithoba Pardhi,
Aged : 59 Years, Occp.: Retired,
R/O- Wardhaman Colony, Ward No.1,
Thana Road, Behind Nanda Hotel,
Goregaon, Tah+Post-Goregaon,
Distt.-Gondia.

.... PETITIONERS

// VERSUS //

- 1) State of Maharashtra,
Through its Secretary, Department of
School, Education and Sports,
Mantralaya, Mumbai-32.
- 2) State of Maharashtra,
Through its Secretary, Finance
Department, Mantralaya, Mumbai-32.
- 3) Commissioner of Education,
Central Building, Near Pune Railway
Station, Pune.



- 4) Director of Secondary and Higher Secondary, Central Building,
Near Pune Railway Station, Pune.
- 5) Deputy Director of Education,
Nagpur Division, Nagpur.
- 6) Education Officer (Secondary),
Zilla Parishad, Gondia.
- 7) Head Master,
Samarth Vidyalaya, Tigaon,
Tah.-Amgaon, Distt.-Gondia.
- 8) Head Master,
Nav Pratibha High School, Dawadipar,
Tah.- Goregaon, Distt.- Gondia.
- 9) Head Master,
Vidya Prasaran High School,
Kalimati, Tah.-Goregaon, Distt.-Gondia.
- 10) Head Master,
Parshuram Vidyalaya/Bu
Tah.-Goregaon, Distt.-Gondia.

.... RESPONDENTS

Mr. U. J. Deshpande, Advocate for the Petitioners.
Mr. N. R. Patil, Assistant Government Pleader for the
Respondent Nos.1 to 6.

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

DATE ON RESERVING THE JUDGMENT : 26.03.2026
DATE ON PRONOUNCING THE JUDGMENT : 08.04.2026

JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith.
Matter is taken up for final hearing at the stage of admission by
consent and request of the parties.



2. The Petitioner by this petition is 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 for directions to release the consequential benefits namely revised pay fixations, arrears of salary, revised retirement benefits and directions to release all monetary benefits.

3. It is submitted that the Petitioners are non-teaching employees i.e., Junior Clerks working in non-government recognized Secondary aided schools in Gondia district of Maharashtra. 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.



4. It is further submitted that the ACPS was modified as per Government Resolution dated 01.04.2010 and second benefit after completion of 24 years of service was made applicable to employees of Government, Zilla Parishad, Municipal Councils, Municipal Corporations, Universities and teachers of grant-in-aid schools.

5. 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 of the petition.

6. 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.



7. It is further contended by the Petitioners that the issue of grant of benefits under the Assured Career Progression Scheme to the non-teaching employees of grant-in-aid schools has been squarely covered by the judgments of this Court in Writ Petition Nos. 7062/2014 vide its order dated 24/06/2016, 8985/2013 vide its order dated 18/08/2014, 924/2014 vide its order dated 03/05/2017, 1188/2018 vide its order dated 15/07/2019, wherein, 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.

8. The Learned Counsel for the Petitioners have relied on judgment passed by this **Court in Writ Petition No.6626/2024 (Rajkumar Pahumal Chainani & Ors. vs. The State of Maharashtra & Ors.)** with one connected matter, dated 12.03.2026.

9. *Per Contra*, the learned Assistant Government Pleader for the State made an oral submissions and stated 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.

10. 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.

11. The petitioners relied on the judgment of this Court in **Writ Petition No.6626 of 2024** and connected matter (supra), wherein this Court has made reference to the judgment of the Principal Seat of this Court in **Writ Petition No. 334 of 2018 (Shri Suresh Bhanudas Shinde & Anr. vs. The State of Maharashtra & Ors)** with other connected matters, dated 04.10.2018, and held in para 14 as under:

“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.”*

12. 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 & ors.*) 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.

13. Our attention is drawn to the Government Resolution 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 on 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) The writ petition is 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 no 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 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 eligibility criteria laid down for eligibility for the benefit of ACPS.

- (iv) 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, as the case may be, within a period of six months from the date of this order.

14. Rule is made absolute in the above terms. No costs. Pending application(s), if any, stand (s) disposed of.

(NANDESH S. DESHPANDE, J.)

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