IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5705 OF 2021

1. Nanabhau Hilal Nikam,
   Age:- 56 years, Occu:- Service,
   R/o: Belganganagar, Tq. Chalisgaon, Dist. Jalgaon.
2. Bhaskar Murlidhar Patil,
   Age:- 52 years, Occu:- Service,
   R/o: Wadala – Wadali, Tq. Chalisgaon, Dist. Jalgaon.
3. Vilas Himmatrao Patil,
   Age:- 56 years, Occu:- Service,
4. Dnyaneshwar Bhaurao Patil,
   Age:- 58 years, Occu:- Service,
5. Sanjay Jagannath Patil,
   Age:- 53 years, Occu:- Service,
   Petitioner no. 3 to 5 are,
   R/o: Pimri BK., Tq. Pachora, Dist. Jalgaon.
6. Ashok Abhiman Amale,
   Age:- 47 years, Occu:- Service,
7. Rajendra Vitthal Nikumbh,
   Age:- 53 years, Occu:- Service,
   Petitioner no. 6 and 7 are,
   R/o: Borkheda Bk. Tq. Chalisgaon, Dist. Jalgaon.
8. Suresh Jamrao Patil,
   Age:- 58 years, Occu:- Retired,

R/o: Belganganagar, Tq. Chalisgaon, Dist. Jalgaon.

9. Raosaheb Onkar Desale,
Age:- 48 years, Occu:- Service,

10. Kishor Jagnnath Bhandarkar,
Age: 52 years, Occu:- Service,
Petitioner no. 9 and10 are
R/o: Dr. Kakasaheb Purnapatre Madhyamik
Vidyalaya, Chalisgaon, Dist. Jalgaon.

11. Ravindra Ratan Chaudhari,
Age:- 53 years, Occu:- Service,

12. Sanjay Tryambak Patil,
Age: 52 Years, Occu: Service,
Petitioner no. 11 and 12 are
R/o: Tatyasaheb Samant Madhyamik Vidyalaya,
Chalisgaon, Tq. Chalisgaon, Jalgaon.

13. Arvind Gopichand Chaudhari,
Age: 54 Years, Occu: Service,

14. Ravindra Kashinath Patil,
Age: 47 Years, Occu: Service,

15. Arun Soma Koli,
Age: 54 Years, Occu: Service,

16. Kailas Bhaskar Dhangar,
Age: 48 Years, Occu: Service,

17. Amol Baliram Borase,
Age: 51 Years, Occu: Service,
Petitioner no. 13 to 17 are,

R/o: Chunchale, Tq. Yawal, Dist. Jalgaon.

18. Dilip Murlidhar Chaudhari,
Age: 50 Years, Occu: Service,
R/o: Municipal High School and Jr. College,
Faijpur, Tq. Yawal, Dist. Jalgaon.

19. Sudhakar Pundlik Pawar,
Age: 57 Years, Occu: Service,
R/o; Venktesh Madhyamik Vidyalaya Parola,
Tq. Parola, Dist. Jalgoan.

20. Ashok Anandrao Jadhav,
Age; 57 Years, Occu: Service,
R/o: Plot no. 30 A, Shejwalkar Nagar,
Badgaon Road, Chalisgaon,
Tq. Chalisgaon, Dist. Jalgaon.

21. Rajendra Narhari Nagarkar,
Age: 57 Years, Occu; Service,
R/o; Madhamik Vidyalaya Bahal,
Tq. Chalisgaon, Dist. Jalgaon.

22. Chotu Sukdev Shimpi,
Age: 49 years, Occu: Service,
R/o: Yashwant Madhyamik Vidyalaya Takali,
Tq. Chalisgaon, Dist. Jalgaon.

23. Kashinath Shankar Badgujar,
Age: 55 Years, Occu: Service,
R/o : Savitribai Fule Kanya Vidyalaya,
And Jr. College, Amalner, Dist. Jalgaon.

24. Julal Bhila Patil,
    Age: 59 Years, Occu: Service,
25. Anandrao Bhatu Patil,
    Age: 54 Years, Occu: Service,
    Petitioner no. 24 and 25 are
    R/o : Janve, Tq. Amalner, Dist. Jalgaon.
26. Subhash Udhav Kolapkar,
    Age: 67 Years, Occu: Retired,
    R/o: Kasar Galli, Parola, Tq. Parola, Dist. Jalgaon.
27. Roshan Khan Yasin Khan,
    Age: 49 Years, Occu: Service,
28. Shaikh Sharifoddin Shirajoddin,
    Age: 57 Years, Occu: Service,
29. Shaikh Mukhtar Allauddin,
    Age: 59 Years, Occu: Service,
30. Masood Khan Ayyub Khan,
    Age: 53 Years, Occu: Service,
    Petitioner no. 27 to 30 are,
    R/o: At post. Kasoda, Tq. Erandol, Dist. Jalgaon.
31. Bhagwan Uttam Patil,
    Age: 58 Years, Occu: Service,
32. Suhas Dattatraya Avhad,
    Age: 60 Years, Occu: Retired,
33. Rekha Vinay Jakatdar,
    Age: 61 Years, Occu: Retired,
    Petitioner no. 31 to 33 are,

R/o: S.G. Patil Madhyamik Vidyalaya,
Bhadgaon, Dist. Jalgaon.

34. Ashok Mahadu Pardeshi,
Age: 50 Years, Occu: Service,
R/o: At Post Wade, Tq. Bhadgaon, Dist. Jalgoan.

35 Ishaque Malik Ibrahim Malik,
Age: 55 Years, Occu: Service,

36. Nadeem Ahamad Shaikh Mohiyoddin,
Age: 46 Years, Occu: Service,
Petitioner no.34 to 36 are,
R/o: Wadi Mohalla, Bhadgaon,
Tq. Bhadgaon, Dist. Jalgaon.

37. Uday Madhavrao Deshmukh,
Age: 53 Years, Occu: Service,
R/o: Saptshrunginagar Bhadgaon,
Tq. Bhadgaon, Dist. Jalgaon.

38. Sanjay Bhagwan Patil,
Age; 53 Years, Occu: Service,
R/o : Waghdu, Tq. Chalisgaon, Dist. Jalgaon.

39. Nimbaji Sahebrao Wagh,
Age: 58 Years, Occu: Retired,

40. Kailas Yashwant Patil,
Age: 52 Years, Occu: Service,

41. Gulab Julal Patil,
Age: 56 Years, Occu; Service,
Petitioner no. 39 to 41 are,

R/o: Kothali, Tq. Bhadgaon, Dist. Jalgaon. ..... PETITIONERS

VERSUS

1. The State of Maharashtra,
   Through its Secretary,
   School Education and sports Department,
   Mantralaya, Mumbai-32.
2. The Accountant General (A& E)- I
   Maharashtra State, Mumbai,
   101, Maharshi Karve Road, Mumbai.
3. The Education Officer (Secondary),
   Zilla Parishad, Jalgaon.
4. The Accounts Officer (Senior Auditor)
   Education Department, Zilla Parishad Jalgaon.
   Tq. and Dist. Jalgaon. .... RESPONDENTS

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Mr. Ajay D. Pawar, Advocate for the Petitioners.
Mr. P. K. Lakhotiya, AGP for Respondent/State.

CORAM : KISHORE C. SANT &
AJIT B. KADETHANKAR, JJ.

DATE : 08th JULY 2026.

JUDGMENT :- [PER KISHORE C. SANT, J.]

1. Heard Mr. Pawar, the learned Advocate for the petitioners, and Mr. Lakhotiya, learned AGP for Respondent/State.

2. Rule. Rule made returnable forthwith. The petition is taken up for final disposal at the stage of admission by consent of the parties.

3. The present writ petition is filed by non-teaching staff of Aided Educational Institution seeking second-time benefit of ACPS scheme on completion of 24 years of service.

4. The grievance of the petitioners is in very narrow compass. The petitioners are persons, who are working as non-teaching staff in aided schools. Though they are held eligible and they were granted benefit of ACPS scheme on completion of 12 years of service, they are held not entitled to the said benefits after completion of 24 years of service i.e. second-time benefit. Initially, though the State Government had accepted the ACPS scheme that was made applicable to only for one time and subsequently, it was made applicable. It was accepted even for second time on completion of 24 years of service. The grievance of the petitioner further is that when teaching staff is granted the benefits of the said scheme even for the second time, non-teaching staff is exempted from the said benefit.

5. Learned Advocate Mr. Pawar, appearing for petitioners, relied upon Government Resolution dated 14.03.2024, which accepted scheme to grant second-time benefit. However, he challenges the same only to the extent that the benefit are made applicable only from the date of Government Resolution i.e. 14.03.2024. He submits that, this Court at Nagpur Bench, considered this G.R. in group of writ petitions including WP/6626/2024. It is held that the G.R. dated 14.03.2024 making the ACPS benefit applicable for the second time from 01.01.2024 is discriminatory and quashed and set aside to the extent that it did not make applicable with retrospective effect. He also relied upon judgment passed by this Court in WP/4733/2019 dated 18.03.2026 wherein this Court relied upon the judgment in WP/6626/2024. He thus submits that the petitioner be held entitled to get the benefit of second time ACPS scheme on completion of 24 years of service.

6. Learned AGP vehemently opposed the petition. He submits that the cadres of teaching staff and non-teaching staff are different and merely because the benefit are made applicable to the teaching staff, by

itself, would be no reason to make it applicable to the non-teaching staff. He further submits that in WP/6626/2024, this Court at Nagpur Bench had relied upon the judgment in WP/334/2018. However, the said judgment itself is now under review. The review petition is filed bearing Review Petition (ST) No.3452 of 2019 and other connected Review Petitions, wherein this Court at Principal Seat has granted stay to the operation of the judgment in WP/334/2018. He, therefore, submits that present controversy would be covered by the issues involved in review petitions. He thus opposed the petitions and prayed for dismissal of the writ petition.

7. Having heard the parties, we now see that the review petitions which were filed in respect of judgment and order passed in the petition in the year 2018 are of the year 2019. The State Government itself has framed a policy whereby the second time benefit under the ACPS scheme is made applicable to the non-teaching staff as well by way of G.R. dated 14.03.2024. The said G.R. was challenged as the benefits were made applicable only from 01.01.2024 and not with retrospective effect. There is nothing to point out that the judgment in

WP/6626/2024 passed by this Court at Nagpur Bench or judgment in WP/4733/2019 passed by this Court (Aurangabad Bench) are under challenge. In any case, we do not see any reason as to when second time ACPS benefit is made applicable to the teaching staff why the same should not be made applicable to the non-teaching staff. There is nothing to show intelligible differentia between the cases of teaching and non-teaching staff. We thus find that, when the Government has already accepted that non-teaching staff would be entitled to receive second time ACPS benefit, why it is not made applicable on completion of 24 years instead of only from 01.01.2024. We, therefore, allow the writ petition in the following terms.

ORDER

(i) Writ petition stands 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 time

benefit of ACPS to the petitioners from the date they completed 24 years in service 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 to confer the benefit of second time ACPS.

(iv) The petitioners shall have to satisfy the requisite eligibility criteria.

(v) We direct the respondents to apply second ACPS to the eligible petitioners within a period of six months.

(vi) 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, etc.

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

[AJIT B. KADETHANKAR, J.] [KISHORE C. SANT, J.]

D.A.ETHAPE