IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6809 OF 2019

More Sahebrao Vitthal
Age- 57 yrs, Occu. Service,
R/o 2 Nandanvan Bank Colony
Deopur, Dhule, Tq. Dist. Dhule
Pin-424002 ...Petitioner

Versus

1. The State of Maharashtra
Department of Higher and Technical Education,
Mantralaya Mumbai

2. The Joint Director,
Vocational Education and Training,
Regional Office, Ramkrishna Paramhansa Marg,
Nashik-2

3. The Principal,
West Khandesh Bhagini Seva Mandal's
Arts & Commerce Junior College for Women,
Dayanagar Education Campus Deopur Dhule,
Tq. Dist. Dhule. Pin 424002

4. The Administrator,
West Khandesh Bhagini Seva Mandal's
Arts & Commerce Junior College for Women,
Dayanagar Education Campus Deopur Dhule,
Tq. Dist. Dhule. Pin 424002 ...Respondents

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WITH
WRIT PETITION NO.11129 OF 2019

Nitin Supdu Sonawane,
Age 56 YRS, Occu. Service
R/o West Khandesh Bhagini Seva mandal's
College of Vocational Education and Training,
Deopur, Dhule, Tq. Dist. Dhule ...Petitioner

Versus

1. The State of Maharashtra
   Department of Higher and Technical Education,
   Mantralaya Mumbai

2. The Joint Director,
   Vocational Education and Training,
   Regional Office, Ramkrishna Paramhansa Marg,
   Nashik-2

3. The Inspector,
   Office of the Joint Director,
   Vocational Education and Training.
   Regional Office, Ramkrishna Paramhansa Marg,
   Nashik-2

4. The Principal,
   West Khandesh Bhagini Seva Mandal's
   Arts & Commerce Junior College for Women,
   Dayanagar Education Campus Deopur Dhule,
   Tq. Dist. Dhule. Pin 424002

5. The Administrator,
   West Khandesh Bhagini Seva Mandal's
   Arts & Commerce Junior College for Women,
   Dayanagar Education Campus Deopur Dhule,
   Tq. Dist. Dhule. Pin 424002 ...Respondents

…

WITH
WRIT PETITION NO.11076 OF 2019

Chaudhari Pritam Shaligram,
Age 54 yrs, Occu. Service,
R/o West Khandesh Bhagini Seva Mandal's
College of Vocational Education and Training,
Deopur, Dhule, Tq. Dist. Dhule ...Petitioner

Versus

1. The State of Maharashtra

Department of Higher and Technical Education,
Mantralaya Mumbai

2. The Joint Director,
Vocational Education and Training,
Regional Office, Ramkrishna Paramhansa Marg,
Nashik-2

3. The Inspector,
Office of the Joint Director,
Vocational Education and Training.
Regional Office, Ramkrishna Paramhansa Marg,
Nashik-2

4. The Principal,
West Khandesh Bhagini Seva Mandal's
Arts & Commerce Junior College for Women,
Dayanagar Education Campus Deopur Dhule,
Tq. Dist. Dhule. Pin 424002

5. The Administrator,
West Khandesh Bhagini Seva Mandal's
Arts & Commerce Junior College for Women,
Dayanagar Education Campus Deopur Dhule,
Tq. Dist. Dhule. Pin 424002 ...Respondents

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Mr. Chaitanya V. Dharurkar, Advocate for the petitioners
Mr. S. R. Wakle, AGP for Respondent Nos.1 and 2 in all petitions.
Mr. M. S. Shah, Advocate for Respondent Nos.3 and 4

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CORAM : NITIN B. SURYAWANSHI AND
ABASAHEB D. SHINDE, JJ.

RESERVED ON : 09.09.2026
PRONOUNCED ON : 07.10.2026

JUDGMENT (Per Abasaheb D. Shinde J.) :-

1. Heard.

2. Since common questions of fact and law are involved in these writ petitions, they are being decided by this common judgment.

3. By these writ petitions filed under Article 226 of the Constitution of India, the petitioner in Writ Petition No.6809/2019 takes exception to the order dated 04.05.2018 passed by Respondent No.2 – Joint Director, Vocational Education and Training, Nashik, whereas the petitioners in Writ Petition Nos.11129/2019 and 11076/2019 are taking exception to the order dated 05.08.2015 passed by Respondent No.3 - The Inspector, Office of the Joint Director, Vocational Education and Training, Nashik. By the said orders, the proposals of the Petitioners for grant of higher pay scale were turned down on the ground that their Annual Confidential Reports (hereinafter referred to as “the ACRs”) for last five years were not satisfactory. The petitioners have also sought directions to declare that, their ACRs are ‘satisfactory’ since those were not communicated to them as per Rule 15(5) of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (hereinafter referred to as “the Rules of 1981”). The petitioners have further prayed to hold that, they are eligible to

receive higher pay scale.

4. The petitioners contend that, after having found duly qualified, they were appointed as full-time teachers with Respondent No.4. Their appointments were made after following due procedure of law. Respondent No.2 initially granted temporary approval and thereafter permanent approval to their services. By virtue of Government Resolution dated 01.04.2010, they are entitled to CAS benefits. Since the petitioners were not granted higher pay scale, they pursued Respondent Nos.2 to 4 by making representations. Respondent No.3, by the impugned order, informed the petitioners that their proposal for grant of higher pay scale had been turned down on the ground that their ACRs for past five (05) years were 'ordinary'. The petitioners, therefore, have approached this Court.

5. Learned Counsel for the petitioners submits that, the impugned order is erroneous for the reason that, as per Rule 15 (5) of the Rules of 1981, Respondent No.4 did not communicate the ACRs to the petitioners. He would submit that, for

non-communication of the ACRs, it is presumed that the petitioners' ACRs are 'satisfactory'. He, therefore, urged that the writ petitions deserve to be allowed.

6. Per contra, learned AGP, relying on the affidavit filed by Respondent Nos.2 and 3, submits that, for seeking CAS benefits, the ACRs play a significant role. As per Government Resolution dated 08.03.1999, the ACRs must be 'good'; whereas, the petitioners ACRs are 'average'. Respondent No.3, therefore, considering these ACRs has rightly rejected the proposal for grant of higher pay scale to the petitioners. He, therefore, urged for dismissal of the writ petitions.

7. Learned Counsel for Respondent Nos.3 and 4 strenuously submits that, since the performance of the petitioners was not 'satisfactory' much less an 'ordinary' for last five years, they are not entitled to claim a higher pay scale. He further submits that, the petitioners had knowledge of their ACRs. They neither objected nor challenged the said ACRs. On the contrary, knowing that their ACRs are adverse, they made several representations to Respondent No.4, thereby contending that notwithstanding their adverse ACRs, they be considered for grant of higher pay scale. He invited our attention to the

representations annexed at Exhibit 'F' to the writ petitions. He, therefore, urged that, there is no substance in the writ petitions and the same are liable to be dismissed.

8. We have heard learned Counsel for the petitioners, learned AGP for Respondent Nos.1 to 3, and learned Counsel for Respondent Nos.4 and 5 at length and have perused the record.

9. The main thrust of submissions of learned Counsel for the petitioners is that, the ACRs were not communicated to the petitioners as contemplated under Rule 15(5) of the Rules of 1981. It would be apt to reproduce Rule 15(5) of the Rules of 1981, which reads as under :-

> *15. Writing of confidential reports etc.*
>
> *1.*
>
> *2.*
>
> *3.*
>
> *4.*
>
> *5. Failure to write and maintain confidential reports and to communicate adverse remarks to the employees within the period prescribed in sub-rule (3) shall have the effect that the work of the employee concerned was satisfactory during the period under report.*

10. The record depicts that, the petitioners had knowledge about their ACRs and that is a reason why they made representations not only to Respondent No.4 but even to Respondent No.2, contending that, their ACRs are adverse and their cases should be considered for grant of higher pay scale.

The record further reveals that, the ACRs for last five years before submission of proposal of the petitioners are 'average'. We therefore do not find any substance in the submissions of learned Counsel for the petitioners.

11. On the contrary, we find substance in the submissions of learned AGP and learned Counsel for Respondent Nos.3 to 5 that, the petitioners were made aware about their ACRs. Since having satisfactory ACRs is sine qua non for grant of higher pay scale, and as the petitioners ACRs for past five years are adverse, the petitioners are not entitled for higher pay scale.

12. The writ petitions, therefore, sans merit and deserve to be dismissed and are accordingly dismissed.

(ABASAHEB D. SHINDE, J.) **(N. B. SURYAWANSHI, J.)**