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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

19 WRIT PETITION NO. 15673 OF 2025

Balu Rupsing Pawar
VERSUS
The State Of Maharashtra
Through Principal Secretary And Others

.....
Mr. Paresh B. Patil (Borse), Advocate for Petitioner
Mr. Abhijit M. Phule, AGP for Respondents No.1 to 4
.....

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 05 JANUARY, 2026

PER COURT :-

1. The present petition has been filed to challenge the communication dated 11.05.2023 issued by respondent No.4, thereby respondent No.4 refused to grant time-bound promotional pay scale under Assured Career Progress Scheme (ACPS) upon completion of 12 years qualifying service on the post of full-time Librarian to the petitioner.

2. The learned advocate appearing for the petitioner submits that the petitioner and others had approached this Court by filing Writ Petition No. 750 of 2023, which was decided on 23.01.2023; thereby, respondent No. 4 was directed to consider the proposal, which was

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resubmitted by the Management on or before 28.02.2023 on its own merits on or before 31.05.2023. Thereafter, by order dated 11.05.2023, the proposal in respect of the petitioner was rejected by respondent No.4 on the ground that there is no scheme of the Government for granting the benefit of ACPS and, consequently, there is no provision for time-bound promotion for a part-time Librarian. He further submits that, by order dated 06.06.2023, the Assistant Commissioner, Social Welfare, Jalgaon, granted a time-bound pay scale to one of the co-petitioners in Writ Petition No.750 of 2023. He relies on the decision in ***Milind Motiram Rathod and another v. The State of Maharashtra and another*** (Writ Petition No.8423 of 2018 decided on 25.07.20218 by this Court Bench at Aurangabad) as well as ***Mayur Jagdish Banginwar and others. Vs. State of Maharashtra and others*** (Writ Petition No.8298 of 2022 decided on 09.08.2023 by this Court Bench at Nagpur), whereby directions were given to decide the proposals by holding that ACPS is applicable to the employees who are serving in Ashram Schools.

3. Learned AGP waives service of notice for respondents No.1 to 4 and accepts the position in ***Milind Motira Ratod*** (supra) and ***Mayur Jgdish Banginwar*** (supra) and submits that the proposal has to be considered in respect of the present petitioner taking into consideration the pronouncements by this Court.

4. The first and foremost fact is to be noted here is that the petitioner and others had approached this Court by filing Writ Petition No. 750 of 2023; at that time itself, on behalf of respondent No. 4, there could have been a statement that the same is not applicable or there is no such scheme by the Government. The first reason that has been given by respondent No.1 is 'कालबद्ध पदोन्नती देणे बाबत शासनाचे धोरण नाही' (there is no policy of the State Government to grant time-bound promotional pay scale). It is a wrong reason. Even that scheme might be applicable to petitioner also, and when this Court has taken a specific decisions, those decisions ought to have been studied by the respondent No.4 and the Committee in ***Milind Motiram Rathod*** (supra), reference has been taken in respect of writ Petition No.2358 of 2013 and other companion matters decided on 21.09.201 by the Division Bench at Principal Seat and in fact it has been stated that denial of benefit of ACPS amounts the discrimination when it comes to the Ashram Schools and private aided Schools. Now, i.e. after a period of 12 years, it appears that the petitioner has been appointed as a full-time Librarian by order dated 19.09.2024, but then his previous service is required to be taken into consideration for the purposes of the ACPS scheme. In these circumstances, the petition is partly allowed.

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5. The impugned communication dated 11.05.2023 issued by respondent No.4 in respect of the petitioner stands quashed and set aside.

6. Respondents No.3 and 4 is directed to consider the proposal for grant of time-bound promotional pay scale under ACPS scheme to the petitioner if he has fulfilled the qualifying service and other criteria as per the scheme. The said decision to be taken within a period of two (2) months from today.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

S P Rane