

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.1516 OF 2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mrs.A.N.Ansari, advocate for the petitioners.
Mr.K.M.Suryawanshi, Asstt. Govt. Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
V.K.JADHAV, JJ.**
Date : 27.07.2015.

PER COURT :

1. Heard.
2. Mrs.Ansari, learned counsel for the petitioners states that the Deputy Director of Education was directed to decide the representation of the petitioners within three (3) months after giving opportunity of hearing to the petitioners, which was in regard to creation of one post of Peon. According to the learned counsel, the same was pursuant to the orders of the Apex Court, however, the petitioners were not heard before passing the impugned order.
3. Learned Asstt. Govt. Pleader states that the application with regard to creation of a post can not be decided by the Deputy Director of Education and as such the same is rejected.
4. In case the Deputy Director of Education did not have the

authority to decide with regard to creation of any post then the Deputy Director with his recommendation ought to have forwarded it to the Director of Education and then the Director of Education to the concerned authority, who ultimately sanctions the post. Instead of following the said procedure, the application is straightway rejected only on the ground that he has no authority, inspite of the fact that there are directions of this Court.

5. Considering the above, we pass the following order :

a) The impugned order (Exh.F) is quashed and set aside. The Deputy Director of Education shall hear the petitioners pursuant to its representation regarding creation of 4th post of Peon and after hearing the petitioner shall forward the same to the Director of Education with regard to his recommendation about admissibility/non-admissibility of the said post to the Director of Education, who in turn would forward it with his recommendation about admissibility/non-admissibility of the said post to the Government and the Government shall take final decision on the same. The petitioners shall appear before the Deputy Director of Education on 10.8.2015 and the authorities shall endeavour to complete the said process of deciding the application of the petitioner with regard to creation of 4th post of Peon expeditiously, preferably within six (6) months.

b) As far as prayer clause (B) is concerned, the petitioners are

at liberty to assail the order of the Education Officer by way of competent independent proceedings as is permissible in law.

c) The Writ Petition is disposed of. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.27.07.2015.
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