

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8084 OF 2016

Deelip Baban Rakshe

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Chandrakant K. Shinde, Advocate for the Petitioner.

Mrs. R. P. Gour, A. G. P. for Respondent Nos. 1 to 3.

Shri P. S. Pawar, Advocate for Respondent No. 4.

Respondent No. 5 served.

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 7th September, 2017

PER COURT :

1. The present petition is filed seeking approval to the appointment of the petitioner as a Peon in the respondent No. 5 – School.

2. The Deputy Education Officer (Secondary) has filed an affidavit stating that the proposal submitted seeking approval to the appointment of petitioner is rejected on 31.12.2014, as there were deficiencies.

3. One of the ground raised by the respondent was about the availability of the post.

4. The Institution has filed an affidavit stating that 4 persons working as Peon have retired and those posts are vacant. So, even if it is assumed that the 2 posts were excess now four posts are vacant, as per the affidavit of respondent Nos. 4 and 5.

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

ORDER

I] Respondent Nos. 4 and 5 shall submit proposal seeking approval to the appointment of the petitioner afresh, by clarifying all the queries raised by the Education Officer in its letter dated 31.12.2014 (**Exhibit – R.1**).

II] Upon said proposal being submitted, the Education Officer shall consider the said proposal on its own merits expeditiously, and preferably within 4 months from the date of receipt of the proposal.

6. The writ petition is accordingly disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

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