

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 12749 of 2016

District : Beed

1. The Secretary,
Yogeshwari Shikshan Sanstha,
Ambajogai,
Taluka Ambajogai,
Dist. Beed.
 2. The Head Mistress,
Shri yogeshwari Nutan Vidyalaya,
Primary Section, Ambajogai,
Dist. Beed.
 3. Gorakhnath s/o. Haribhau Gajakosh,
Age : 43 years,
Occupation : Service as Peon,
R/o. Yoegshwari Student Hostel,
Parli Road, Ambajogai.
Taluka Ambajogai,
Dist. Beed.
- .. Petitioners.

versus

1. The State of Maharashtra,
Through Secretary,
School Education Department,
Mantralaya, Mumbai - 32.
 2. The Dy. Director of Education,
Aurangabad Division,
Aurangabad.
 3. Education Officer (Secondary),
Zilla Parishad, Beed.
- .. Respondents.

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Mr. V.S. Panpatte, Advocate, for the petitioners.

*Mr. A.R. Kale, Asst. Government Pleader, for
respondent nos.01 to 03.*

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**CORAM : V.M. KANADE &
SANGITRAO S. PATIL, JJ.**

DATE : 04TH JANUARY 2017

ORAL ORDER :

At the request of the learned Counsel for the petitioners, leave to amend granted so as to indicate title cause of respondent no.03 as Education Officer (Secondary) instead of 'Primary' as well as in the prayer clauses. Amendment be carried out forthwith

02. Heard.

03. By this petition which is filed under Article 226 of the Constitution of India, the petitioners are seeking the following reliefs :-

(A) Rule.

(B) By issuance of appropriate writ of direction, respondent no.03 Education Officer (Secondary), Zilla Parishad, Beed, may please be directed to forthwith decide the proposal dated 19.11.2014 for grant of approval to the appointment of petitioner no.3 as peon.

(C) By issuance of appropriate writ, order for direction in the like nature, respondent no.3 - Education Officer (S), Zilla Parishad, Beed may please be directed to forthwith grant approval to the appointment of petitioner as Peon / Sevak and release the salary due and payable to the post held by petitioner no.3.

(D) Pending hearing and final disposal of this writ petition, respondent no.3 - Education Officer, Zilla Parishad, Beed, may please be directed to grant

provisional approval to the appointment of petitioner no.3 Peon / Sevak and pay to petitioner no.3 the salary due to payable for the post of Peon / Sevak.

(E) To hold and declare that the petitioner no.3 is entitled for grant of approval to his appointment as Peon / Sevak for the period from 17.11.2014 to 16.11.2016 and issue appropriate directions to the respondent no.3 to grant approval to the appointment of petitioner no.3 and to release the salary of the petitioner no.3 due and payable to the post held by him.

(F) Pending hearing and final disposal of the writ petition the respondent no.3 may kindly be directed not to send any surplus peon for absorption in place of petitioner no.3.

(G) Pass such other further orders as this Hon'ble Court may deem, fit and proper in the peculiar facts and circumstances of the case.

04. The petition can be conveniently disposed of by directing respondent no.03 - Education Officer (Secondary), Zilla Parishad, Beed, to decide the proposal dated 19.11.2014 in respect of approval to the appointment of petitioner no.3, as expeditiously as possible and preferably within 08 (eight) weeks, on merits and in accordance with law. All contentions and other reliefs claimed by the petitioner are kept open.

05. With the above directions, the Writ Petition is disposed of.

(Sangitrao S. Patil)
JUDGE

(V.M. Kanade)
JUDGE

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