

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

WRIT PETITION NO. 7386 OF 2013

**MACHINDRA MAHADU CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.M.S.Deshmukh, Advocate for petitioner
Mr.V.S.Badakh, AGP for respondent nos.1 and 2
Mr.V.D.Sapkal, Advocate for respondent no.3

**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.
DATE : OCTOBER 17, 2018**

PER COURT

The petitioner is appointed as a Peon with the respondent – Institution. Approval to the services of the petitioner as Peon was granted on 10.04.2007. The approval granted to the petitioner has been subsequently withdrawn on 22.08.2013 by the Education Officer on the ground that the post is not available.

2. In fact, after grant of approval to the petitioner, if some irregularity is observed, the same ought to have been considered by the Deputy Director of Education.

3. We, therefore, set aside the impugned order passed by the Education Officer.

4. The petitioner and the Institution shall appear before the Deputy Director of Education, Nashik, on 01.11.2018. The Deputy Director of Education, Nashik, shall consider the case of the petitioner on its own merits, within a period of four months from the date of appearance of the petitioner and the Institution. The petitioner and the Institution are at liberty to place the respective documents on record. The Deputy Director of Education shall also consider the applicability of the Government Resolution dated 25.11.2015.

5. With the above directions, the Writ Petition is disposed of. No costs.

[R.G. AVACHAT, J.]

[S.V. GANGAPURWALA, J.]

kbp