

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

WRIT PETITION NO. 1978 OF 2016

Indira Education and Welfare Society
Parbhani through its Secretary Abdul Majid ...PETITIONER

VERSUS

The State of Maharashtra & ors. ...RESPONDENTS

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Mr. N. B. Khandare, Advocate holding for Mr. Ghute Patil Kishore J.
for petitioner
Mr. S. M. Ganachari, Assistant Government Pleader for Respondent
Nos. 1 and 2
Mr. B. A. Shinde, Advocate for Respondent No. 4

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**CORAM: S.V. GANGAPURWALA AND
 A.M. DHAVAL, JJ.**

DATED : 23rd January, 2019

ORAL ORDER :

1. Mr. Khandare, the learned Counsel for the petitioner submits that the affidavit is filed by the Education Officer to the effect that as per the staffing pattern, the additional posts are admissible. It is only stated that the same is to be sanctioned by the higher authorities on the basis of the strength of the students.
2. Mr. Shinde, the learned Counsel submits that the present day staffing pattern will have to be considered.
3. In the year 2016-2017, the strength of the students is shown to be 338 whereas in the year 2017-2018, it is shown as 346.

4. The Education Officer cannot sanction the increased post. As per the affidavit filed by the Education Officer, the higher authority has powers to sanction the post.

5. It is submitted that the Director of Education (Primary) is a competent authority. The Director of Education (Primary) shall take a decision with regard to the admissibility of Division and the post of the petitioner.

6. Mr Shinde, the learned Counsel for the Zilla Parishad/Education Officer submit that the petitioner has to submit the information online, then the Block Development Officer has to forward it to the Director of Education (Primary) and the Director of Education has to take decision upon it.

7. The petitioner may fill in the information on line as required. The Block Development Officer shall on receipt of the said information forward it to the Director of Education within a period of six weeks from today. The Director of Education on receipt of the same, shall take decision within a period of three months.

8. Further steps would be taken as per the decision of the Education (Primary).

9. The Writ Petition is accordingly disposed of. No costs.

(A.M. DHAVAL, J.) (S.V. GANGAPURWALA, J.)

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