

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

WRIT PETITION NO. 2863 OF 2015

Rukhamin Ashruba Andhale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. I. Wakade, Advocate for the Petitioner.

Shri D. B. Bhange, A.G.P. for Respondent Nos. 1 to 3.

Shri K. D. Khade, Advocate for Respondent Nos. 4 to 6.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 03RD AUGUST, 2015.

PER COURT :

. The dispute is with regard to payment of subsistence allowance from April 2014 to the date of termination. According to the learned counsel for the management the petitioner is not paid the subsistence allowance from May 2014 till September 2014 i. e. the period the petitioner was absent from the head quarter. According to the learned counsel for the petitioner, the petitioner is not paid subsistence allowance from April 2014 till the date of termination and she was not absent.

2. These are the disputed questions of fact. In earlier writ petition bearing Writ Petition No. 6511 of 2014, we had directed

that the petitioner be paid subsistence allowance as per rules. The dispute is raised by the management of absence of the petitioner from the head quarter. It would be appropriate for the parties to approach the Deputy Director of Education.

3. In the result, we pass the following order.

4. The parties shall approach the Deputy Director of Education with regard to grievance about the subsistence allowance. The parties shall appear before the Deputy Director of Education on 20.08.2015. The petitioner and respondents shall put forth their stand with regard to subsistence allowance payable to the petitioner. The Deputy Director shall after considering the claims of the petitioner and respondents, so also the documents submitted to him by the parties decide about the presence/absence of the petitioner from the head quarter and applicable subsistence allowance during the relevant period as per rules. The same shall be done within a period of four (4) months from the date of appearance of the parties. The writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]