

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

20 WRIT PETITION NO.8260 OF 2014

ANAND UTTAMRAO BAWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...

Mr.VR Kalyankar, Adv. For petitioner;
Mr.KS Patil, AGP for Respondents: No.1-State.

**CORAM : S.S.SHINDE &
P.R.BORA, JJ.**

DATE : 17th November, 2015.

PER COURT :

1) When the matter was called out in morning session, none appeared for Respondent Nos. 2 to 5 and the matter was kept back. Even in afternoon session, none appears for Respondent Nos.2 to 5.

2) In pursuance to the notice issued to Respondents, Respondent No.4 has filed an affidavit in reply. During the course of hearing, learned Counsel appearing for the petitioner restricted the reliefs contained in prayer clauses (A) and (B) of the petition.

3) Learned Counsel appearing for the petitioner has tendered across the Bar a copy of Order dated 5th September, 2014 issued by Education Officer (Primary) Zilla Parishad, Nanded, which is taken on record and marked as "X" for identification.

4) We have considered the submissions of learned Counsel for the petitioner; affidavit in reply filed on behalf of Respondent No.4 and order dated 5th September, 2014. Upon perusal of the averments in the affidavit in reply, it is not in dispute that the petitioner was placed under suspension on two occasions.

5) Upon perusal of the said order dated 5th September, 2014, it is clear that Respondent No.3 – Education Officer is supposed to pay subsistence allowance to the petitioner during the period of suspension. It is not clear from the averments in the reply filed by Respondent No.4 that subsistence allowance has been paid to the petitioner. In that view of the matter, in case no subsistence allowance is paid to the petitioner, we direct the respondents concerned to pay subsistence allowance to the

petitioner in accordance with the relevant Rules and procedure, as expeditiously as possible and preferably within a period of eight weeks from today. So far as prayer of the petitioner for payment of salary from the month of June 2014 till 5th September, 2014, is concerned, the petitioner can approach to Respondent No.3 for redressal of the said grievance and in case such prayer/application is made by the petitioner to Respondent No.3, Respondent No.3 to take final decision in that regard, as expeditiously as possible and preferably within eight weeks from today.

6) The writ petition is disposed of in the aforesaid terms with no order as to costs.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

bdv/