

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

WRIT PETITION NO. 3663 OF 2014

Pundlik Kerbaji Tadlapurkar .. Petitioner

Versus

State of Maharashtra and Others .. Respondents

Shri R. K. Jadhavar, Advocate for the Petitioner

Shri K. G. Patil, A. G. P. for the Respondent Nos. 1 to 3

Shri N. P. Dube, Advocate for the Respondent Nos. 4 and 5

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 03RD MARCH, 2015.

PER COURT :

1) Mr. Jadhavar the learned counsel for the petitioner submits that, the petitioner was appointed as a Principal in Marathwada Sanskrutik Mandal's College of Physical Education, Aurangabad on 04.08.1979 and he retired on 31.01.2005. According to the learned counsel during his service the management did not provide him with residential accommodation. The certificate is also issued by the

management on 02.08.2006. The learned counsel submits that, the circular dated 25.04.1988 is applicable which states that person who are eligible for rent free quarters as condition of service and to whom quarters are not provided are eligible to claim 10 % additional house rent allowance in lieu of rent free quarters. The petitioner had made application for getting 10% additional house rent allowance but the petitioner was never paid the same. The petitioner had made representation before the Deputy Director of Education. The Deputy Director of Education submitted proposal to the Government for sanctioning of house rent allowance of Rs. 2,25,960/- to the petitioner. The learned counsel relies on the judgment passed by this Court in Writ Petition No. 5439 of 2005 dated 08th December, 2005.

2) Mr. Patil the learned Additional Government Pleader states that, the Deputy Director of Education had referred matter to the state, however, it is not disputed that the case of the petitioner would be covered by the judgment of this Court in Writ Petition No. 5439 of 2005 dated 08th December, 2005.

- 3) In light of the above, we pass the following order -

ORDER

The respondent Nos. 1 and 2 shall take decision about the proposal submitted by the Deputy Director of Education (Page 26) expeditiously, considering the judgment delivered by this Court referred above and preferably within four (4) months, from today.

- 7) Writ Petition is accordingly disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

sam/March. 15