

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 7237 OF 2012

Suresh Nanasaheb Patil

....Petitioner.

Vs.

Shri Ramlingeshwar Shikshan
Prasarak Mandal Va Krida
Sanstha Solapur & Ors.

....Respondents.

Mr. I.M. Khairdi for the Petitioner.

Mr. S.M. Sabrad for the Respondent No.1.

Mr. Vikas Mali, AGP for the Respondent Nos. 5 and 6.

**CORAM : SMT. VASANTI A. NAIK AND
C.V. BHADANG, JJ.**

DATE : 21st JANUARY 2015.

P.C.:-

Heard.

By this Petition, Mr. Khairdi, the learned counsel for the Petitioner states that the Petitioner is not desirous of pressing the prayers made in the Writ Petition, except the prayer for a direction to the Respondent-Management to pay the subsistence allowance to the Petitioner from 15.12.2009 to 4.8.2012.

The learned counsel for the Respondents opposes the prayer made on behalf of the Petitioner. It is stated that the Petitioner was terminated from service on 4.8.2012 and the termination order is challenged by the Petitioner in an Appeal before the School Tribunal. It is

stated that the Petitioner can file an appropriate Application before the School Tribunal seeking a direction to the Respondent-Management to pay the subsistence allowance to the Petitioner.

We overrule the objection raised on behalf of the Respondent-Management. The Petitioner has a right to seek the subsistence allowance from the Respondent-Management. At least, no provision has been pointed out by the learned counsel for the Management that the Petitioner does not have a right to seek the subsistence allowance for the said period. Merely because, the Petitioner has filed an Appeal under Section 9 of the MEPS Act, 1977 before the School Tribunal, it cannot be said that the relief sought by the Petitioner in the instant Petition, should not be granted.

Hence, for the reasons aforesaid, we partly allow the Petition. The Respondent No.1 is directed to pay the arrears of subsistence allowance to the Petitioner for the period from 15.12.2009 to 4.8.2012 within a period of four weeks.

Order accordingly. No order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)