

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7020 OF 2016 IN
WRIT PETITION NO.4263 OF 2014

THE STATE OF MAHARASHTRA

APPLICANT

VERSUS

INDRA SHIKSHAN PRASARAK MAHILA
MANDAL, JALGAON AND OTHERS

RESPONDENTS

Mr.P.G.Borade, AGP for the applicant.
Ms.Surekha Mahajan, Advocate for responder No.1.
Mr.S.R.Barlinge, Advocate for respondent No.2 in WP.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 29/07/2016

PER COURT :

1. This application is filed by the Education Officer seeking modification in the order dated 02/03/2016 passed in WP NO.4263/2014 and the order dated 30/03/2016 passed in CA No.4096/2016. Education Officer and the Deputy Education Officer are present in the Court.

2. Learned AGP submits that the reason for moving this application is that as the Management has not taken previous sanction of the Education Officer for suspending the employee under Rule 35(4) of the 1981 Rules, the suspension allowance needs to be paid by the Management. It is, therefore, prayed that such a

direction be issued by modifying the orders mentioned above.

3. Having considered the submissions of the learned Advocates for the respective sides, I do not find that this application deserves to be entertained for the reason that the Management/Institution is 'grant-in-aid'. Salaries of the employees are paid through the salary grants. The employee concerned is treated to be under suspension under the orders of this Court and therefore further sanction of the Education Officer is not necessary. In these peculiar facts, the Education Officer, who is a non-adversarial litigant, is not expected to adopt a technical approach in view of this Court having directed that the employee be treated under suspension.

4. This civil application is, therefore, rejected.

(RAVINDRA V. GHUGE, J.)