

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

WRIT PETITION NO. 4736 OF 2017

Amena Sultana Yasmin Md. Yusufoddhin
and another .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri. R.R. Mantri, Advocate for Petitioners.

Smt. Vaishali N. Patil, A.G.P. for Respondent Nos. 1 and 2.

CORAM : S.V. GANGAPURWALA AND

A. M. DHAVAL, JJ.

DATED : 5th February, 2018

PER COURT:

. We have heard Mr. Mantri, the learned advocate for the petitioners.
In fact on the last date we had heard the learned counsel for the
petitioners and the learned A.G.P.

2. The respondent relied on the Government Resolution dated
14.07.2016. The corrigendum dated 09.01.2017 to submit that the

Respondent No. 2 had the authority to suspend the petitioners.

2. Today the learned A.G.P. has placed on record the G.R. Dated 29.09.2017. According to the said G.R. the employees who were suspended under the orders of Director of Education. Their suspension shall be deemed to be canceled and revoked. The learned A.G.P. also brought to the notice of this court the judgment of the Division Bench of this court at Nagpur in case the **Kunda Motiram Bodalkar Vs. Director of Education (Secondary and Higher Secondary) Education Directorate, Pune and others reported in 2017 (4) Mh.L.J. 569.**

3. In fact on 29.09.2017 the Government had issued Resolution directing revocation of the order of suspension of employees suspended under the orders of the Director of Education, still, the respondents did not bring this fact to the notice of this Court at the earlier.

4. The respondents ought to have been alive to the matter in issue and were required to properly instruct the A.G.P. in that regard. There appears to be total laxity on the part of the Respondents in not bringing forth to the notice of the Court the G.R. dated 29.09.2017. Though the

same is brought to the notice of this court by the Respondents, the same is at a very late stage, it should have been brought to the notice to this court earlier only.

5. The matter concern with the employment where in even after September 2017, the petitioner is required to be under suspension. The G.R. dated 29.09.2017 is self operative. The Respondent No. 2 in particular ought to be diligent in prosecuting the matter.

6. As the order of suspension of the petitioner is set aside by Government Resolution dated 29.9.2017, no separate orders would be necessary. The Petitioner No. 2 shall stand reinstated immediately.

7. As the issue of subsistence allowance and the salary is not a subject matter, the petitioner may agitate in appropriate proceedings.

8. The Writ Petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]