

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

57 WRIT PETITION NO. 5662 OF 2018

VYANKATRAO RAGHUNATHRAO KANAME ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Vivek Vasantrya Bhavthankar, Advocate for the Petitioner.

Mr. S. B. Yavalkar, AGP for Respondents-State.

Mr. J. R. Patil, Advocate for Respondent Nos.3 to 5.

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**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 01st AUGUST, 2018.

PER COURT:-

1. Mr. Patil, learned counsel for respondent nos.3 to 5 submits that the departmental enquiry against the petitioner is completed and petitioner is dismissed from service.

2. In view of that, the reliefs claimed in the present matter do not survive. The petitioner will have other remedy open to challenge the same.

3. Mr. Bhavthankar, learned counsel for the petitioner submits that petitioner has not been paid the applicable subsistence allowance and so also after lapse of four months full salary during the suspension period.

4. Mr. Pail, learned counsel for respondent nos.3 to 5 submits that petitioner has been paid subsistence allowance till 31.07.2018.

5. We need not enter into the said debate. The petitioner may approach the Education Officer and file an application with regard to the grant of subsistence allowance and/or salary for the period the petitioner was under suspension. The Education Officer shall after considering the record and also the say of the respondents herein, decide the application of the petitioner with regard to his claim for subsistence allowance/salary for the period the petitioner was under suspension. The same shall be done within a period of (03) three months from the date of the application of the petitioner.

6. Writ Petition is disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE