

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

21 WRIT PETITION NO.10527 OF 2019

SUVARNA VISHWANATH PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Patil Indrale Anand V.
AGP for Respondents-State : Mr. S.B.Yawalkar.
Advocate for Respondent No.3 : Mr. P. R.Tandale.
Advocate for Respondent No.4 : Mr. Boinwad O.B.
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**CORAM : S.V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 11.12.2019

PER COURT :-

1. The petitioner is suspended on 27.11.2018 and it is submitted that no inquiry has been initiated against the petitioner. Mr. Boinwad, the learned counsel for the Management submits that the petitioner was called upon to nominate her representative. The petitioner did not nominate her representative.

2. We asked Mr. Boinwad, the learned counsel 'as to whether the Management had nominated their representatives'? Mr. Boinwad, the learned counsel fairly concedes that the Management did not nominate their representatives till date. Charges are also not framed against the petitioner.

3. As per Rule 37(2) of the Maharashtra Employees of Private Schools Rules, 1981, the suspension cannot be more than 120 days. Of course, if the delinquent is responsible for protracting the inquiry the said limitation would not apply. In the present matter, the Management itself had not nominated its representative. As such, fault cannot be found with the petitioner.
4. In light of the above, the order of suspension stands quashed and set aside. In case, there is no other impediment, the petitioner shall be reinstated.
5. The Management shall pay the subsistence allowance as admissible to the petitioner, preferably within a period of three (3) months.
6. The Writ Petition accordingly allowed. No costs.

(AVINASH G. GHAROTE, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-