

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

86 WRIT PETITION NO.13904 OF 2018

KESHAV RAGHNUNATHRAO SURYWANSHI  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Shelke Avishkar S.  
AGP for Respondents State: Mr. K. B. Jadhavar  
Advocate for Respondent No.2 : Mr.Pulkundwar Santosh B.  
Advocate for respondents 3 & 4: Mr. Avinash D. Hande

**CORAM : S. V. GANGAPURWALA &  
A. M. DHAVAL, JJ.**

**DATE : 11th March, 2019**

**PER COURT :**

1. It is submitted by the learned Advocate for respondent Nos. 3 and 4 that the petitioner is terminated from services on 7<sup>th</sup> March, 2019. Mr. Shelke, learned Advocate for the petitioner submits that the respondents have not followed any procedural aspects. Suspension period of the petitioner cannot be continued beyond 120 days. 120 days over on 3<sup>rd</sup> March, 2019 and suspension automatically stood revoked.

2. As now the petitioner is terminated from service, we are not required to look into the said aspects. The petitioner, if challenges the termination order before the Tribunal, the Tribunal would consider all the relevant aspects of the matter.

3. As far as non payment of subsistence allowance is concerned, the petitioner may approach the Education Officer with regard to his claim for subsistence allowance. The respondent Education Officer shall consider the application of the petitioner and decide about the entitlement of the petitioner to the subsistence allowance for the period the petitioner was under suspension after hearing the parties. The same shall be decided within three months from the date of submission of application.

4. The writ petition is accordingly disposed of. No costs.

**(A. M.DHAVAL, J.)**

**(S.V.GANGAPURWALA, J.)**

JPC