

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

976 WRIT PETITION NO.6605 OF 2020

ANJUMAN ISHAAT-E-TALEEM TRUST AURANGABAD THR ITS
SECRETARY ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. S. S. Kazi, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondents-State.

Mr. A. S. Deshpande, Advocate for Respondent No.3.

...

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 12th JANUARY, 2021.

PER COURT:-

1. We can understand the predicament of the petitioner herein. However, proceeding regarding reimbursement of the subsistence allowance has to be in tune with the order dated 13.09.2019 passed by the learned Single Judge in Writ Petition No.1699/2019.

2. Paragraph 3 and 4 of the order dated 13.09.2019 reads thus:

3. The Education Officer shall proceed to clear the bills submitted by the management if they are in order and any payment of the amount to the petitioner in pursuance to the clearance of the subsistence allowance bills, would be then returned to the management by the petitioner, forthwith.

4. Since the suspension is pursuant to the order of the School Tribunal dated 20.11.2018, there shall be no impediment for the Education Officer to clear the bills on the ground that his prior permission was not required.

3. It is contended by Mr. Kazi, learned counsel that as petitioner is already paid the amount of subsistence allowance to respondent no.3 herein under bankers cheque, the petitioner would be entitled to receive the amount from the Education Officer directly. It is not necessary to credit the amount in the account of the respondent no.2.

4. As the payment of subsistence allowance and the clearance of the bills is pursuant to the order of the learned Single Judge as reproduced above, it would be appropriate if the present petitioner approaches the learned Single Judge for clarification / modification of the order.

5. With the aforesaid observations, writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE