

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

**CONTEMPT PETITION NO.511 OF 2019
IN
WRIT PETITION NO.1363 OF 2018**

Pradeep Madhavrao Patil (died)
Through LRs.
1/1. Anjali w/o. Pradeep Patil
and ors.

..Petitioners

Vs.

Audumbar Sampatrao Ukirde
and ors.

..Respondents

Mr.U.B.Deshmukh, Advocate for petitioner
Mr.A.R.Kale, APP for respondent no.1
Mr.V.D.Gunale, Advocate for respondent nos.2 to 4

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATE : JULY 20, 2023**

ORDER :-

Heard.

2. This Court, vide order dated 14.01.2019 in Writ Petition No.1363 of 2018, directed the Education Officer, as under:-

“3. The respondent/Education Officer shall take decision upon the proposal submitted by the management for grant of subsistence allowance to the petitioner for the period for which the petitioner is under suspension and is entitled to within a period of two (02) months from today. In case the proposal is not with the Education Officer, then the management may submit fresh proposal for grant of subsistence

allowance to the petitioner. The Education Officer shall consider the legal position and take decision upon the proposal.”

3. The petitioner was under suspension. Lateron, he was convicted. He preferred appeal against the conviction. Pending the appeal, he died. His legal representatives have been brought on record. The question is of payment of subsistence allowance to the petitioner. This Court had directed the Education Officer to consider the legal position and decide the proposal. Accordingly, the Education Officer has decided the proposal, observing that the petitioner was not suspended with prior permission of the Education Officer and therefore, State has no liability to pay the petitioner subsistence allowance. According to the Education Officer, it is the Management who is liable to pay the petitioner the subsistence allowance.

4. In our view, the petitioner may have recourse to the appropriate proceedings for getting subsistence allowance either from the management and/or the State Government in Education Department or may challenge the Education Officer’s decision. With these observations, the petition stands disposed of.

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP