

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO.3933 OF 2023

MOHD IQBAL MOHD GOUSE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

.....
Advocate for Petitioner : Mr. Mahesh V. Ghatge
AGP for Respondent Nos. 1 to 3: Mr. S.P. Tiwari
Advocate for Respondent Nos. 4 and 5 : Mr. M.S. Taur
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 12th APRIL, 2023.**

PER COURT :-

1. The Petitioner has put forth prayer clauses A, B and C, as under:-

“A. The impugned order dated 12.7.2022 passed by respondent the Deputy Director of Education, Aurangabad Division, Aurangabad, to the extent of holding that the Petitioner will not be entitled to salary for the period between 3.3.2005 to 10.03.2022 may kindly be quashed and set aside.

B. The respondent No.2 The Deputy Director of Education, Aurangabad Division, Aurangabad and Respondent No.3 the Education Officer (Secondary), Zilla Parishad, Parbhani may kindly be directed to pay suspension allowance to the petitioner from 03.03.2005 to 10.03.2022 in accordance with law.

- C. Pending hearing and final disposal of this writ petition, the Respondent No.2 the Deputy Director of Education, Aurangabad Division, Aurangabad and Respondent No.3 the Education Officer (Secondary), Zilla Parishad, Parbhani may kindly be directed to reconsider the payment of subsistence allowance from 03.03.2005 to 10.03.2022.”

2. The learned A.G.P. had sought time to take instructions. Today, the learned A.G.P. placed before us a detailed order (4 pages), passed by the Deputy Director of Education, Aurangabad Division, Aurangabad, Shri Anil Sable, addressed to the Education Officer (Secondary), Zilla Parishad, Parbhani. The same is taken on record and marked as “X-1” for identification.

3. The learned A.G.P. then tenders a copy of the communication dated 11.4.2023, received by him from the Divisional Deputy Director of Education, Aurangabad Division, Aurangabad, Shri Anil Sable. The same is also taken on record and marked as “X-2” for identification.

4. The learned A.G.P. submits, in the backdrop of “X-1” and X-2”, that appropriate remedial action would be initiated and the Petitioner would be paid the arrears of salary by clearing the bills forwarded by the management, within 8 days. The learned advocate for the Petitioner submits that the impugned order dated 12.7.2022 be quashed and set aside.

5. As such, this Petition is partly allowed. The impugned order is quashed and set aside. The Petitioner shall be paid the unpaid residual salary amount for the period of suspension from 03.03.2005 to 10.3.2022, by 15.05.2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/