

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

WRIT PETITION NO.43 OF 2023

**SHARAD BHIMRAO KAKURDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Advocate for the Petitioner : Shri Patil Sandesh R.
AGP for Respondents 1 to 3 : Shri S.K. Tambe

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 10th January, 2023

Per Court :-

1. The petitioner is aggrieved by the order of suspension issued by respondent No.4, who is the Chairman of the private education society, namely, Rural Foundation, Nandurbar. The grievance is that the suspension dated 15.12.2022, on the basis of certain allegations, is unsustainable.

2. The petitioner seeks to assail the order of suspension issued by the employer, which is the private education trust. It would not be covered by the definition of the “State” under Article 12 of the Constitution of India. So also, the order is not passed by any quasi-judicial authority.

3. The settled position of law is that when a person is suspended on the basis of certain allegations by the employer, the employer has to ensure that the departmental enquiry is conducted and the employer is obliged to pay the suspension allowance as per the rules. Failure to pay the suspension allowance, would give a right to the employee to raise a grievance with the competent authority.

4. In view of the above, the Writ Petition is disposed off.

5. Nevertheless, the petitioner may raise his grievance before the Education Officer (Secondary), Zilla Parishad, Nandurbar, if at all he has any grievance as regards the suspension order.

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(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)