



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

41 WRIT PETITION NO. 7406 OF 2023

MAHESH VISHWANATH BARDE

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

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Advocate for the Petitioner : Mr. Mrigesh D Narwadkar

Addl.GP for Respondents: Mr. P. S. Patil

Advocate for Respondent No.4 : Mr. D.M.Shinde

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**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 09th DECEMBER 2024

PER COURT :

. Heard both the sides finally at the admission stage.

2. The petitioner is challenging order of suspension dated 29.12.2020 issued by the Respondent No.3/Management and he is seeking direction for his reinstatement with consequential benefits.

3. The petitioner is the employee of respondent no.3/Management rendering services with the respondent no.4/School. The respondent/management solicited prior direction from the Education Officer on 18.12.2020 for suspending the petitioner. By the impugned order he was suspended with effect from 28.03.2020.

4. It is the grievance of the petitioner that he was not paid the suspension allowance. It was a prolonged suspension and even the prosecution could not be concluded within that period.

5. Learned Counsel tenders on record communication dated 28.06.2024 addressed by respondent no.2/Education Officer to the management. The petitioner has joined on 01.01.2024. In view of the supervening events, it is contended by the petitioner that he is entitled to monetary benefits which have been denied to him.

6. Learned AGP confirms the letter dated 28.06.2024. In pursuance of the said order, the petitioner is in service from 01.01.2024. He is getting the salary. The petitioner's claim needs to be considered in view of the 'Maharashtra Employees of Private Schools (Conditions of Service) Rules, (in short 'MEPS' Rules)1981.

7. The order of suspension which is under challenge was issued by the respondent no.4/Head Master. Though there is no tangible order of reinstatement in pursuance of 28.06.2024, the petitioner has been joined from 01.01.2024. Even the petitioner is getting regular salary from 01.01.2024. Now the grievance of the petitioner remains for the suspension allowance from date of his suspension till joining.

8. The entitlement of the petitioner to the suspension allowance and other benefits can be determined in accordance with Rule 34 of

MEPS Rules. By implication of Rule 34(4), it would be up to the respondent/management to consider the claim of the petitioner.

9. We are of the considered view that the ends of justice would be met in granting liberty to the petitioner to make appropriate representation to the respondent/management claiming the unpaid suspension allowance and other monetary benefits. The respondent/management can consider the claim and forward the same to respondent no.2/Education Officer for further action.

10. We dispose of Writ Petition granting liberty to the petitioner to make an appropriate representation to respondent no.4/Head Master for unpaid suspension amount and other monetary benefits within four weeks from today. If such a claim is made the management shall verify the claim and forward the same with necessary details to the Respondent No.2/ Education Officer as the case may be. The Respondent No.2/Education Officer shall take further action in accordance with MEPS Rules and Policies.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

vsj