

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9337 OF 2024

Shri Sharad Shikshan Prasarak Mandal Throu. ...Petitioner
Its President Nandu Namdev Surywashi

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. Narendra Bandiwadekar, Senior Advocate a/w Vinayak Kumbhar, Rajendra Khaire, Aniket Phapale i/b Ashwini Bandiwadekar for the Petitioner.

Ms. Pooja Joshi Deshpande, AGP for Respondent Nos. 1 and 2/State.

**CORAM : NITIN JAMDAR AND
M.M. SATHAYE, JJ.**

DATE : 9 JULY 2024

P.C. :

. Issue notice to Respondent Nos. 3 and 5, returnable on **9 August 2024**. In addition, private notice is permitted.

2. The learned counsel for the Petitioner submits that by order passed by the learned 2nd Civil Judge, Junior Division, Peth Vadgaon, injunction is granted against the Petitioner/Management from proceeding further with the enquiry and Misc. Appeal against the same is pending. In view of the stay to the inquiry, Respondent

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No.3, who is otherwise under suspension, is now shown to work and under the impugned order salary is being paid. He submits that Respondent No.3 is not entitled to the salary as on record, the suspension continues.

3. We are not inclined to stay the payment of salary at this stage while notice is being issued, but it is directed that the amount that is being paid to Respondent No.3 at present will be treated and considered as payment of a subsistence allowance subject to further orders, adjustment etc.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)