



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.806 OF 2025**

Bhagwan S/o. Ramrao Sarse,
Age: 50 years, Occu: Service,
R/o. Dholumari, Post Sindhi,
Tq. Umari, Dist. Nanded.

..Petitioner

Versus

1. The Chief Executive Officer,
Late Atul Shikshan Prasarak Mandal,
Nanded, Tq. & Dist. Nanded.
2. The Education Officer (Secondary)
Zilla Parishad, Nanded,
Tq. & Dist. Nanded.
3. The Secretary,
Late Atul Shikshan Prasarak Mandal,
Nandigram Society, Nanded
Tq. & Dist. Nanded.
4. The Head Master,
Rajashri Shahu Madhyamik &
Uccha Madhyamik Vidyalaya,
Mudkhed, Tq. Mudkhed, Dist. Nanded. ..Respondents

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Mr. A. N. Irpatgire h/f Mr. S. G. Rudrawar, Advocate for Petitioner
Mr. K. B. Jadhavar, AGP for Respondent No.2.
Mr. R. J. Godbole, Advocate for Respondent Nos.1, 3 and 4.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 07th JULY, 2025.

ORDER:-

1. The petitioner impugns order dated 09.10.2024 passed by Presiding Officer, School Tribunal, Latur in Appeal No.27/2019 to the extent of grant of subsistence allowance from date date of joining as per impugned order instead from the date of termination.

2. Mr. Irpatgire, learned Advocate appearing for petitioner submits that petitioner possesses M.Sc., B.P.Ed. qualification. Accordingly, he was appointed as Assistant Teacher vide order dated 16.06.2000. His services were duly approved by Education Officer. In due course, petitioner was promoted to the post of Headmaster. However, respondent nos.3 and 4 i.e. Secretary and Chief Executive Officer of Society made farce of enquiry under Sections 33 and 37 of MEPS Rules, 1981 and finally terminated services of petitioner on the basis of illegal enquiry.

3. The petitioner assailed termination order vide Appeal No.27/2019 before School Tribunal at Latur. The learned Presiding Officer, School Tribunal, Latur, partly allowed Appeal noticing fundamental defect in enquiry and set aside termination order dated 30.09.2019 and permitted Management to conduct fresh enquiry from the stage of statement of allegation. The School Tribunal has further directed to reinstate petitioner without back-wages for the purpose of enquiry and pay subsistence allowance from the date of joining as per impugned order till completion of enquiry.

4. Mr. Irpatgire, relying upon observations of this Court in case of *Anita Rohidas Ukade Vs. The Secretary Ambika Bahuuddeshiya Mahila Mandal and Others (Writ Petition No.3219/2022 dated 10.03.2022)* submits that in similar set of

circumstances this Court held that, in light of law laid down by Supreme Court of India in case of ***Vidya Vikas Mandal and another Vs. The Education Officer and another***¹, while setting aside the termination of the employee with a direction for reinstatement for further enquiry, subsistence allowance would be payable from the date of termination of service.

5. Mr. Godbole, learned Advocate appearing for respondent/Management opposes prayer. However, submits that in case directions are given by this Court, modified proposal for release of subsistence allowance from date of termination would be forwarded to Education Officer.

6. Having considered submissions advanced, it can be observed that termination of petitioner is set aside finding defects in procedure of enquiry. Eventually, employee needs to be reinstated in service for the purpose of proper enquiry. In such case, he shall be entitled to subsistence allowance from the date of his termination till conclusion of re-inquiry. The law laid down by Supreme Court of India in case of ***Vidya Vikas Mandal and another*** (supra) in specific terms found entitlement of employee to receive subsistence allowance with effect from the date of termination of his service with further direction to complete enquiry after reinstatement within period of six months. Even this

¹ 2007 (11) SCC 352.

court followed same course in case of *Anita Rohidas Ukade* (supra).

7. In this background, following order is passed:

ORDER

- a. Writ Petition is allowed in terms of prayer Clause (B).
- b. The respondent/Management shall forward appropriate bills for release of subsistence allowance in favour of petitioner from the date of termination of services till conclusion of re-inquiry and submission of enquiry committee's report.
- c. The Education Officer shall thereupon release bills within period of two months.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/July-2025