



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1253 OF 2024

Sant Dnyaneshwar Bahuuddeshiya Shikshan Mandal Dhaba, Akola and
Another

Vs.

Wasudeo Shrikrushna Kadu and Another

Office Notes, Office Memoranda
of Coram, Appearances, Court's
orders or directions and
Registrar's orders

Court's or Judge's orders

Mr. N.S. Warulkar, Advocate for the Petitioners.
Mr. A.A. Madiwale, AGP for the Respondent/State.
Mr. V.A. Kothale, Advocate for respondent No.1/Caveator.

CORAM: SIDDHESHWAR S. THOMBRE, J.

DATED : 08th OCTOBER, 2025

1. Heard Mr. N.S. Warulkar, learned counsel for the petitioner, Mr. A.A. Madiwale, AGP for Respondent/State and Mr. V.A. Kothale, learned counsel for the respondent No.1/Caveator.
2. This writ petition is filed against the order passed, by the Learned School Tribunal, Amravati, wherein, the learned School Tribunal had set-aside the order of termination dated 04.02.2019 and directed the management to reinstate the employee within a period of 40 days from today.
3. Learned counsel for the petitioners submits that pursuant to the order passed by the Learned School Tribunal, Amravati, the employee i.e. respondent No.1 was reinstated in service and immediately he was kept under suspension.

4. The issue was, whether the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Rules, 1981 (for short “MEPS Rules”) is applicable to conduct an enquiry against the respondent No.1. Learned counsel for the respondent No.1 fairly accepts that the MEPS Rules are applicable to conduct an enquiry.

5. In fact after the suspension order was issued by the Management, enquiry was already initiated and the same is going on.

6. Learned counsel for the petitioner seeks more time to conclude the enquiry.

7. Learned counsel for the respondent No.1 submits that though the petition is filed on 04.05.2024, there wasn't any prohibitory order passed by this Hon'ble Court prohibiting the management not to proceed with the enquiry. He, therefore, opposed granting such an extension to the management to conclude the enquiry. Be that as it may, admittedly, after the order is passed by the Learned School Tribunal, the enquiry is not completed, within a period of 120 days and therefore, as per the provisions of law, the employee is entitled for subsistence allowance.

8. Learned counsel for respondent No.1 submits that he is entitled to receive the subsistence allowance from the date of his suspension i.e. 04.05.2024. In view of the rule, the employee is entitled to receive the subsistence allowance.

As the enquiry is not completed within the stipulated period, it is for the management to take steps and complete the same.

9. As the enquiry is already initiated, I do not find any reason to interfere in the present writ petition, accordingly, the writ petition is **disposed of**. All points are kept open. No order as to costs.

(SIDDHESHWAR S. THOMBRE J.)

Privel