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1001-ca-10918-2025

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

**1001 CIVIL APPLICATION NO. 10918 OF 2025
IN WP/2788/2023**

Dhanaji Kashiram Rathod

VERSUS

The State Of Maharashtra Through Its Under Secretary And Others

...

Mr. N.P. Patil Jamalpurkar, Advocate for Applicant

Mrs. V.S. Chaudhari, AGP for State

Mr. S.S. Shinde, Advocate for respondent No. 3

WITH

WRIT PETITION NO. 2788 OF 2023

.....

CORAM : NITIN B. SURYAWANSHI AND

VAISHALI PATIL JADHAV, JJ.

DATE : 27th MARCH, 2026

ORDER :

1. Learned advocate for respondent No. 3 submits that enquiry committee has completed its enquiry and submitted report to the Management on 16.10.2023. However, it appears that Management has not taken decision on the said enquiry report.
2. Prima facie, we are of the view that since the Management has not suspended the applicant with prior approval of the Education Officer, they are liable to pay subsistence allowance to the applicant.

3. Learned advocate for the Management then submits that applicant was not present at the headquarter in terms of Rule 33(4) of the MEPS Rules, which stipulates that the employee under suspension shall not leave the headquarter during the period of suspension without prior approval of the Chief Executive Officer. If such employee is the head and also Chief Executive Officer, he shall obtain prior approval of the President. Therefore, applicant is not entitled for subsistence allowance.

4. Respondent No. 3 is permitted to file additional reply and the relevant documents.

5. Stand over to 17.04.2026.

(VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)