

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

WRIT PETITION NO. 1617 OF 2015

The Secretary,
Marathwada Ustod Kamgar Vikas
Mandal, Parli-Vaijnath, Dist. Beed ... Petitioner

Versus

The State of Maharashtra
& others ... Respondents

.....
Mrs. M.A. Kulkarni, Advocate for petitioner
Mr. K.M. Surayawanshi, A.G.P. for respondent Nos. 1 & 3

.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 24th FEBRUARY , 2015

PER COURT :

1. I have heard the learned Advocate and learned A.G.P. for respondent / State for quite some time.

2. The petitioner is aggrieved by the order dated 06-01-2015 passed by the School Tribunal in M.A. No. 19 of 2013. Grievance is that the delay of fifteen days in preferring the appeal for challenging the order of termination dated 16-06-2013 has been condoned de-hors Rule 39 of the Maharashtra Employees of Private School (Conditions of Service) Regulation Act and 1979

Rules and without there being any justification for condonation of said delay.

3. Having heard the strenuous submissions of the petitioner, I have gone through the petition paper book with her assistance. It is not in dispute that the delay caused in preferring the appeal was fifteen days since the respondent had approached the Divisional Social Welfare Department for questioning his termination. As the respondent had spent time before a wrong forum, he was required to file the said appeal along with an application for condonation of delay before the School Tribunal. The time spent before a wrong forum was, therefore, taken into account and the delay was of fifteen days.

4. The grievance of the petitioner is that Rule 39 needs to be followed in letters and spirit. The application for condonation of delay was signed by the Advocate and verification in support thereof was subsequently filed after the petitioner raised an objection. Mrs. Kulkarni is right in contending that Rule 39 should be followed and any application or appeal preferred by a litigant should be signed by him. The verification in support of the application has to be placed on record before the School Tribunal.

5. Taking an over all view of the matter and that the respondents spent time before a wrong forum which caused delay in preferring the appeal, I do not find that the impugned order could be termed as perverse or erroneous. As such, the petition is devoid of merit and the same is dismissed.

(RAVINDRA V. GHUGE, J.)