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

WRIT PETITION NO. 714 OF 2013

SUNIL BHAGWAN MORE AND ORS

VERSUS

THE STATE OF MAH AND ORS

...

Advocate for Petitioners : Mrs.Ansari A.N.

AGP for Respondent Nos.1, 7 & 8 : Mrs.Y.M.Kshirsagar.

Advocate for Respondents : Mr.Patil Shrikant S. for R/2 & 6.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 16th June, 2015

Per Court:

1 On 09.06.2015, this Court had recorded the contentions of Mr.Patil in it's order as under:-

- “1. Mr.Patil, learned Advocate appearing on behalf of the Respondent Nos.2 and 6 and the learned AGP appearing on behalf of the Respondent Nos.1, 7 and 8, have drawn my attention to the prayers made in this petition. It is submitted that no order passed by any judicial or quasi-judicial authority is under challenge. The Petitioners have prayed for setting aside of the decision of the Respondents of accepting/ obtaining resignation of all employees w.e.f. 15.04.2003 and have further prayed for reinstatement in service with continuity and full back-wages. It is, therefore, submitted that this petition is not maintainable before Single Judge Bench of this Court.
2. Since none appears for the Petitioners, stand over to 15.06.2015.”

2 The relevant prayers set out in prayer clauses (B) and (C) in

this petition are as under:-

- “(B) *To quash and set aside the illegal act of the Respondents in obtaining the resignation of all the employees from 15.04.2003 by issuing any appropriate writ order or direction as the case may be.*
- (C) *The Respondents be directed to reinstate the Petitioners in services with continuity and full back wages, by issuing any appropriate writ order or direction as the case may be.”*

3 It is thus, evident that no order passed by a judicial or quasi-judicial authority has been called in question in this petition. The petition is, therefore, untenable.

4 Mrs.Ansari, learned Advocate for the Petitioners, however, submits that the alleged forceful resignation of the employees obtained by the Respondents on 15.04.2003 thereby, resulting in their continued non employment, amounts to unlawful termination in the eyes of law. She, therefore, submits that the aggrieved Petitioners will have to challenge their forceful resignation amounting to termination at the hands of the Respondent Institution before an appropriate legal forum. She submits that the time spent by the Petitioners in putting forth their grievance before the Divisional Social Welfare Officer as well as before this Court be considered as a good ground for condonation of delay while approaching the appropriate legal forum.

5 Mr.Patil opposes the said request to a limited extent that the termination has occurred on 15.04.2003 and the proceedings to be preferred before an appropriate forum are already barred. He, therefore, reserves his right to oppose the application for condonation of delay to that extent.

6 Considering the submissions of the learned Advocates, this petition is dismissed as withdrawn.

7 However, the Petitioners, if they so desire, may prefer the proceedings before an appropriate forum within a period of SIX WEEKS from today. In the event, the said proceedings are preferred in this time frame, the time spent by the Petitioners in pursuing their appeal before the Divisional Social Welfare Officer, Nashik and this Court when this petition was instituted on 24.09.2012 till the passing of this order, shall be a ground for condonation of delay. However, the Respondents shall be at liberty to oppose the condonation of delay for the period from the date of termination of the Petitioners till the date they have first approached a wrong forum.

(RAVINDRA V. GHUGE, J.)