

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 2156 of 2015

Shri Ramesh Sardar Bhor.

.. Petitioner

Vs.

The State of Maharashtra

(Through Secretary of Education Dept.

Maharashtra Mantralaya, Mumbai) & ors. .. Respondents

Mr.R.V.Bansode, for the Petitioner.

Mr.A.R.Metkari-Assistant Government Pleader, for Respondent
Nos.1 & 3.

Mr.Milind Deshmukh, for Respondent Nos.2 & 4.

CORAM: N.M.Jamdar, J.

Wednesday 2 December, 2015

PC. :

By order dated 16 July 2015, parties were put to notice that the Writ petition will be disposed of finally at the admission stage. Accordingly taken up for Final disposal.

2. The Petitioner challenges the order passed on 21 November 2014 by the School Tribunal Pune, rejecting the application filed by the Petitioner for condonation of delay in filing the appeal. The delay in filing the appeal is of one and a half years. The Petitioner who was working as an Assistant Teacher with the Respondent-Institute was charge-sheeted, inquiry was held against him and an inquiry report was submitted on 31 October 2012, pursuant to

which the Petitioner was terminated from services. The Petitioner thereafter filed an appeal in the School Tribunal, Pune challenging his termination along with a Miscellaneous application No.18 of 2014 for condonation of delay, which has been rejected by the impugned order.

3. The learned counsel for the Petitioner submitted that the Petitioner after his termination had contacted the office bearers of the Teachers Association and thereafter contacted an Advocate in High Court, Mumbai and thereafter the Petitioner was advised to approach the School Tribunal and thus, some time was lost. He again approached the office bearers of the Association and thereafter filed the appeal. The learned counsel submitted that the ground given in the inquiry report for termination of Petitioner are highly stigmatic and it is necessary for the Petitioner to challenge his termination. The learned counsel for the Respondents supported the impugned order and submitted that no sufficient cause is made out.

4. The Petitioner challenges his termination from service. If the inquiry report is perused the allegations stated to be proved against the Petitioner are serious and on such allegations Petitioner may not be able to get employment not only in any school but, anywhere else too. Therefore contention of the learned counsel for the Petitioner that great prejudice will be caused to the Petitioner, cannot be stated to be a baseless one. It is not that the Petitioner has not given no reason at all. He has stated that he

contacted officers of the Association and also took legal advice. The prejudice that may be caused to the Respondents can be set off by grant of suitable costs and further necessary directions. Considering the facts and circumstances, I am of the opinion that the Tribunal erred in rejecting the application in-toto and ought to have put the Petitioner to conditions.

5. Accordingly, the Writ petition is disposed of by quashing and setting aside the impugned order dated 21 November 2014. The Application filed by the Petitioner for condonation of delay is allowed, subject however to the Petitioner paying cost of ₹ 10,000 to the Respondents within period of four weeks from today. It is also clarified that in case the Petitioner succeeds in the appeal and is held to be entitled to monetary benefits, it will be open to the Tribunal to take into consideration the delay of one and a half years in approaching the School Tribunal.

6. Writ Petition is **disposed of** in above terms. All contentions of the parties on merits are kept open. The parties shall appear before the School Tribunal on 5 January 2016.

(N.M.Jamdar, J.)