

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.10824 OF 2014**

**Tarawade Shahabuddin Haidar & Ors**

**..Petitioners**

**Vs.**

**Sunil Annasaheb Patil & Ors.**

**..Respondents**

**Mr. P. D. Dalvi for the Petitioners**

**Mr. N.V. Bandiwadekar for the Respondent No.1**

**CORAM : R. M. SAVANT, J.**

**DATE : 16<sup>th</sup> June, 2015**

**P.C.**

1           The Writ Jurisdiction of this Court is invoked against the order dated 11-9-2014 passed by the Learned Presiding officer, School Tribunal, by which order the application for condonation of delay in filing the Appeal filed by the Respondent No.1 against his supersession came to be allowed and the delay of 1 year and about 9 months, came to be condoned. The said delay was sought to be explained by the Respondent No.1 by contending that he had made a representation to the management against his supersession and since he was labouring under an impression that the said representation would be considered by the management that he did not approach the forum available. It is only after realising that no purpose would be served in pursuing the said representation that the Respondent No.1 ultimately chose to file an Appeal and in the process the delay of 1 year and about 9 months has occasioned.

2           The said application filed by the Respondent No.1 was opposed to on behalf of the Petitioners. The reasons put forth were sought to be questioned. The Learned Presiding officer, School Tribunal Kolhapur, deemed it appropriate to exercise discretion in favour of the Respondent No.1 and accordingly condoned the delay by observing that it is always the endeavour of a party aggrieved to settle the dispute amicably and takes resort to a legal remedy when no other avenue is available. In so far as the Appeal to be filed against the supersession is concerned, there is no period of limitation prescribed and therefore in terms of the judgments of the Apex Court, the proceedings would have to be filed within a reasonable period. The Apex Court has in so far as the statutes where the period of limitation is not prescribed, has held that 3 years period would be a reasonable period. In the instant case, an Appeal has been filed within 1 Year and 9 Months of the supersession and therefore in terms of the judgment of the Apex Court, the delay cannot be said to be unreasonable so as to deprive the Respondent No.1 of the remedy by way of an Appeal. The School Tribunal having deemed it appropriate to exercise discretion in favour of the Respondent No.1, this court does not deem it appropriate to interfere with the said discretion in its Writ Jurisdiction. The Writ Petition is accordingly dismissed.

**[R.M.SAVANT, J]**