

WRIT PETITION NO.539 OF 2015

...

v/s.

and ors.

...Respondents

...

Mr.Susheel Mahadeshwar for Respondents Nos. 1 & 2.

...

DATED : 30 MARCH 2015

The Petition impugns an order dated 25 November 2013 of the Officer, Mumbai University & College Tribunal, whereby the application No.5 of 2013 for condonation of delay in filing an Appeal under Section 59 of the Maharashtra Universities Act, 1994 came to be

 $1/2$

“... .. From record, it is evident that in July 2007 itself appellant/applicant was aware that his services came to be terminated for remaining absent over a period of 30 days without any application, communication or information. Appellant himself admitted in his Application and Appeal Memo that there is delay of 6 years in filing his Appeal. From record also it is seen that he was mentally fit and fully recovered on or about 15-4-2007 and on 17-4-2007 went to college with the joining report alongwith fitness certificate from doctor. Therefore, he should have filed this Appeal within 30 days from 17-4-2007 i.e. 17-5-2007 or within reasonable period thereafter against illegal termination.”

3. Considering the fact that the Petitioner had admittedly recovered from his mental illness way back in 2007 and the Appeal was filed in the year 2013, in my view, the impugned order dated 25 November 2013 of the Mumbai University & College Tribunal is unexceptional and does not warrant any interference at the hands of this Court under Article 226 of the Constitution.

4. The Petition is dismissed. No order as to costs.

(A.A. SAYED, J.)