

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3372 OF 2016

Narendra Devchand Tayade
Age: 39 Yrs., Occ-Nil,
R/o- Chinchol, Tq. Muktainagar,
Dist. Jalgaon.

= **PETITIONER**

VERSUS

1. The President,
Muktainagar Taluka Education
Society, Muktainagar,
Tq. Muktainagar, Dist-Jalgaon
2. The Head Master,
Grant in Aid Ashram School
Kothali, Tq. Muktainagar,
Dist-Jalgaon.
3. The Commissioner,
Tribal Development Nashik
4. The Project officer,
Integrated Tribal Development
Project, Yawal, Tq. Yawal,
Dist-Jalgaon.

= **RESPONDENTS**

Mr.Pramod S. Gaikwad, Advocate for Petitioner;

Mr. Girish V. Wani, Advocate for Respondent Nos. 1
and 2;

Mr.P.G.Borade, AGP for Respondent Nos.3 and 4.

CORAM : P.R.BORA, J.

DATE : 7th July, 2016.

ORAL JUDGMENT:

1) Heard. Rule. Rule made returnable forthwith and heard finally with consent of the learned Counsel appearing for the parties.

2) Against the order dated 26th August, 2014 passed by the School Tribunal, Nashik Region, Nashik in Misc. Application No.5/2014 (Jalgaon), thereby rejecting the said application filed by the present petitioner seeking condonation of delay, which has occurred in filing an appeal before the School Tribunal, the present petition is filed.

3) Learned Counsel appearing for petitioner submitted that the petitioner resides in Muktainagar and for certain unavoidable circumstances, he could not attend the proceedings before the School Tribunal and in such circumstances, the School Tribunal has dismissed the application in default. The learned Counsel further submits that henceforth, the petitioner will take all prompt steps and proceed with the

matter before the School Tribunal.

4) Shri Wani, learned Counsel appearing for the respondents has opposed for accepting the request so made stating that the School Tribunal has assigned valid reasons for dismissing the matter in default and as such, no interference is required in the order passed by the School Tribunal.

5) After having considered the submissions advanced by learned Counsel appearing for the respective parties, it appears to me that the petitioner needs to be given an opportunity to contest the matter on merits. In view of the undertaking given by the petitioner that henceforth, the petitioner will promptly prosecute the matter, I am inclined to allow the present petition, Hence, the following order, -

ORDER

i) The impugned order dated 26.8.2014 passed by the Presiding Officer, School Tribunal,

Nashik Region, Nashik below Misc. Application No. 5/2014(Jalgaon) is quashed and set aside and the matter stands restored to file of the School Tribunal.

ii) The parties shall appear before the School Tribunal on **1st August, 2016;**

iii) The petitioner shall, without taking any further adjournment, prosecute the Misc. Application filed by him, seeking condonation of delay;

iv) The School Tribunal shall decide the aforesaid Misc. Application on its own merits.

v) In the circumstances of the case, no order as to costs.

vi) Rule is made absolute in aforesaid terms.

sd/-
(P.R.BORA,J.)

bdv/