

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

WRIT PETITION NO.4702 OF 2012

Sunita Nagnath Ubale .. Petitioner
Vs.
Secretary, Shree Sant Dnyaneshwar
Shikshan Prasarak Mandal & Ors. .. Respondents

Mr.Vijay Killedar for the petitioner.
Mr.V.K. Bodhare for the respondent nos.1 & 2.
Mr.A.R.Metkari, AGP for the respondent no.3.

CORAM : R.D. DHANUKA, J.
DATE : 4th July 2016

P.C.

. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 8th August 2011 passed by the Presiding Officer, School Tribunal, Solapur rejecting the application filed by the petitioner inter alia praying for condonation of delay of 1 year, 4 months and 16 days in filing the appeal.

2. Learned counsel appearing for the petitioner invited my attention to the findings recorded by the School Tribunal and would submit that the School Tribunal has not considered the documents produced by the petitioner in so far as the question of obtaining requisite qualification is concerned. In so far as the issue of delay is concerned, learned counsel invited my attention to the application dated 17th October 2007 filed by the petitioner before the School Tribunal inter alia praying for condonation of delay. He submits that since the petitioner had refused to pay donation of Rs.1 lac to the management in the month of April

2006, the management orally terminated the services of the petitioner as Assistant Teacher. He submits that for the period of 1 year, 4 months and 16 days, there was a settlement proposal given by the petitioner to the respondents management and the petitioner was trying to settle the matter amicably outside the Court.

3. Learned counsel appearing for the management, on the other hand, submits that the order passed by the School Tribunal is right on both counts i.e. one is that the petitioner has not explained the delay of 1 year, 4 months and 16 days and another is that the petitioner was not being qualified to be appointed as Assistant Teacher.

4. A perusal of the application for condonation of delay filed by the petitioner and the affidavit-in-reply filed by the respondents management before the School Tribunal clearly indicates that the application for condonation of delay for the period of 1 year, 4 months and 16 days was totally vague and without any particulars. The allegation of demand of donation from the petitioner by the management is strongly denied by the management in the affidavit-in-reply. The management has disputed the allegation that the matter was pending for settlement of alleged dispute.

5. A perusal of the order passed by the School Tribunal clearly indicates that the School Tribunal has rejected the application for condonation of delay on the ground that no reason has been shown by the applicant/petitioner for delay of each and every day. The School Tribunal while considering the application for condonation of delay has also rejected the appeal on merits. A perusal of the said order clearly

indicates that since the School Tribunal also found that the petitioner even otherwise was not eligible on the date of her appointment as not having possessed the requisite qualification of B.A., B.Ed., termination of the services of the petitioner by the management was justified. In my view, the School Tribunal is right in rejecting the application for condonation of delay on both the grounds. In my view, the petitioner had not even rendered proper and valid justification for condonation of delay of 1 year, 4 months and 16 days in filing the appeal. The petition is accordingly dismissed. No order as to costs.

R.D. DHANUKA, J.