

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

LETTERS PATENT APPEAL NO. 26 OF 2003
IN
WRIT PETITION NO.4534 OF 2002

Smt. Nanda Maroti Bhalke,
Age 30 years, Occupation Service,
R/o Ahmednagar, Tal. and Dist.
Ahmednagar. (Plot No.18, Meghnand
Garden Nagar, Kalyan Road, Ahmednagar.) ...Appellant

Versus

- 1) Gorakshanath Rangnath Ghadge,
Age 43 years, Occupation Service, (H.M/
Secretary), R/o Ramrao Chavan Secondary
School, M.I.D.C. Area, Nagapur,
Ahmednagar.
- 2) Shivaji Uttam Ghadge,
Age about 36 years, Occupation Service,
R/o as above.
- 3) Dattatraya Raghunath Darekar,
Age about 35 years, Occupation Service,
R/o as above.
- 4) Bapurao Sultanrao Ingawale,
Age about 37 years, Occupation Service,
R/o as above.
- 5) Renuka Shikshan Prasarak Mandal,
Nagapur, M.I.D.C.
Ahmednagar, through its president.
- 6) Education Officer (S),
Ahmednagar. ...Respondents

Mr. S. S. Bora, Advocate for the petitioner
Mr. P. S. Dighe, Advocate holding for Mr. V. R. Dhorde, Advocate
for respondents.

**CORAM : S. V. GANGAPURWALA &
SMT. VIBHA KANKANWADI. JJ.**

DATE : 31-10-2017

PER COURT :

1. The petitioner had filed appeal before School Tribunal challenging super-session. There was a delay of three years and eight months in filing the appeal. The tribunal did not condone the delay. The said order was challenged before the learned Single Judge of this Court. The learned Single Judge of this Court dismissed the writ petition. Aggrieved thereby the present letters patent appeal is filed.
2. Mr. S. S. Bora, learned counsel for the petitioner submits that, it ought to have been considered that, the petitioner was on maternity leave and as such was prevented because of sufficient cause from filing appeal within limitation. The petitioner was challenging her super-session. According to the learned counsel, the courts ought to have taken a liberal view while considering the application of condonation of delay.

3. Mr. Dighe, the learned counsel for respondent supports the order.

4. We have considered the Judgment of the learned Single Judge of this Court, so also the Tribunal Court. The petitioner had assailed her super-session to the post of Headmaster. The respondent No.1 was promoted as a Headmaster. The petitioner was aware of her super session by respondent No.1. It is not the case of the petitioner that, the petitioner did not attend the school also during the interregnum. The discretion appears to be properly exercised. The abnormal delay of three years and eight months has not been properly explained.

5. The Judgment of the learned Single Judge does not suffer from any perversity, the same is reasonable and proper. The letters patent appeal as such dismissed.

6. No costs.

[SMT. VIBHA KANKANWADI]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

vjg/-.