

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5115 of 2008

Liladhar S/o Digambar Bedse,
age 36 years occupation service (Assistant Teacher)
Shri Sant Narhari Primary School, Vidya-Vihar Colony,
Sakri road, Dhule District Dhule **...PETITIONER**

VERSUS

1. Shri Sant Narhari Education Society,
Vidyavihar colony, Sakri road, Dhule District Dhule
through its President.
2. The Head Master,
Shri Sant Narhari Education Society,
Vidyavihar colony, Sakri road, Dhule District Dhule
3. The Administrative Officer,
Municipal Education Board, Dhule District Dhule.
...RESPONDENTS

Mr V.D. Sapkal, Advocate for petitioner

Mr A.P. Basarkar, Asstt. Govt. Pleader for respondent No.3

CORAM : NITIN W. SAMBRE, J.

DATE : 13th November, 2017

ORAL ORDER :

Heard learned Counsel for the petitioner.

2. There is delay of seven years in preferring appeal under section 5 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (hereinafter referred as the "M.E.P.S. Act" for the sake of brevity) . The delay is sought to be explained by the petitioner by claiming that after termination of his services on 15th May 2000 he filed Writ Petition No. 3230 of 2005 which was decided on 19th June 2007 as petitioner sought withdrawal of the same with liberty to file an appeal.

3. Considered said submissions. From the record, it could be borne that against the termination of services of the petitioner, dated May 15, 2000, Writ Petition No. 3230 of 2005 came to be filed. i.e. almost after a period of five years of delay. The petition remained pending with this Court for a period of two years and it is thereafter petitioner filed an appeal.

4. The petitioner claimed that he was prosecuted, and as such, was unable to initiate the appeal under provisions of the M.E.P.S. Act. However, it is required to be noted that the present petitioner was very much out of mind during the trial. It was always open for him to initiate and prosecute the appeal, instead of which he has chosen to file the Writ Petition.

5. As delay of seven years is not properly explained, the learned Tribunal dismissed the appeal being barred by limitation.

6. In the above backdrop of above referred observations, I hardly see any reason to interfere with the findings recorded by the learned Tribunal on the issue of delay condonation.

7. The petition, as such lacks merit, and stands dismissed.

(NITIN W. SAMBRE, J.)

pjm