

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 13727 OF 2017

Balaji Marotirao Bodke
Age : 48 Yrs., Occ. Agril.,
R/o : At & Post Dongaon,
Tq. Mudkhed, Dist.Nanded.

.... PETITIONER

VERSUS

1. The State of Maharashtra
Thr. its Secretary,
General Administration
Department, Mantralaya,
Mumbai – 32.

2. The Collector
Office of the District
Collector, Nanded,
Tq. and Dist. Nanded.

.... RESPONDENTS

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Mrs. M.L.Sangeet, Advocate for Petitioner.
Mr. R.V.Dasalkar, A.G.P. for Resp. - State.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**

DATE OF JUDGMENT : 20th DECEMBER, 2017

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ORAL JUDGMENT : [PER – S.V.GANGAPURWALA, J.]

. Rule. Rule made returnable forthwith. Heard finally by the consent of both sides.

2. Learned A.G.P. waives service of notice.

3. The petitioner has filed Original Application making grievance of selection process. The Original Application was delayed by 2 months and 20 days. The application for condonation of delay is rejected.

4. Learned counsel for the petitioner submits that the petitioner had earlier exhausted other avenues. The petitioner was not aware about the forum for filing the application and after he contacted his Advocate, the application is filed.

5. Learned A.G.P. submits that no reasons are stated. As such, the order is correct.

6. The delay is of 2 months and 20 days. The petitioner claims that the cause of action arose on 21/12/2015. As such, the delay would be of more than two years.

7. The petitioner was not to gain anything by delay. It is trite that when technical considerations and cause of substantial justice are pitted against each other, cause of substantial justice would subserve. Considering the reasons given by the petitioner, the impugned order is quashed and set aside. The application for condonation of delay is allowed. The Tribunal shall decide the proceeding on its own merit.

8. Rule is made absolute in the above terms. No costs.

[V.L.ACHLIYA, J.]

[S.V.GANGAPURWALA,J.]