

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.7365 OF 2016**

Milind Balu Shikhre

...Petitioner

v/s.

Aadarsh College of Arts & Commerce  
 College and others

...Respondents

Mr.Mahesh Thorat for the Petitioner.

Mr.Lancy D'souza a/w V.M.Parkar with Ms.Deepika Agarwal for the  
 Respondents Nos. 1 & 2.

...  
**CORAM : A.A. SAYED, J.**

**DATED : 11 JANUARY 2017**

**P.C.:**

The challenge in this Petition is to the order dated 28 January 2016 passed by the Presiding Officer, Mumbai University & College Tribunal whereby the Mumbai University & College Tribunal has rejected the Application of the Petitioner/original Appellant for condoning the delay of about 260 days in filing the Appeal.

2. The Petitioner/original Appellant was in service with the Respondent/Management for about 18 years and his services came to be terminated vide order dated 21 November 2014 for misconduct and dereliction of duties.

3. During the course of argument, it has come to light that the Petitioner had in fact approached the Grievance Committee constituted

under section 57 of the Maharashtra Universities Act,1994 challenging his suspension as well as termination. This aspect has not been properly brought out by the Petitioner in his Application and the only averment made is to the effect that he has written several letters to the various authorities. The Petitioner had not pointed out this aspect to the Tribunal and the Tribunal has, therefore, not considered the same.

4. Having heard the learned Counsel for the parties, in my view, in the interest of justice, the Petitioner who has served the Institution for about 18 years, deserves an opportunity to put his entire case before the Tribunal.

5. In the circumstances, the Petition is disposed of by passing the following order:

#### **ORDER**

- (i) The impugned order dated 28 January 2016 is set aside. The Application for condonation of delay in filing the Appeal shall stand restored;
- (ii) The Petitioner shall file an affidavit giving better particulars and annexing relevant documents including his Applications before the Grievance Committee. The Respondent/Management will be at liberty to file a reply dealing with the averments in the Affidavit;

(iii) The School Tribunal shall consider the Application for condonation of delay in filing the Appeal afresh without being influenced by the impugned order;

6. The Petition is disposed of in the above terms.

**(A.A. SAYED, J.)**