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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3995 OF 2018

Shri. A.P.D.J. Pathshala,
Through Secretary And Anr.

...Petitioners

vs

Shri. Sanjeev Bhamanlal Jamge And Ors.

...Respondents

.....

Mr. Sandep R. Waghmare, for the Petitioners.

Mr. Suhas Deokar, i/b. Mr. C.G. Gavnekar, for Respondent No.1.

Mr. I.M. Khairdi, for Respondent No.2.

Ms. Vaishali Nimbalkar, AGP, for Respondent No.3.

.....

CORAM : S.C. GUPTE, J.

DATED: JULY 23, 2018

P.C. :

. Heard learned Counsel for the parties. This petition challenges an order passed by the University & College Tribunal on a miscellaneous application for condonation of delay in an appeal filed under Section 81 of the Maharashtra Public Universities Act, 2016. It is the case of the applicant in his appeal before the Tribunal that in March 2017, the Petitioners herein, who were Respondents to this appeal, forced him to submit a resignation letter giving three months notice. The resignation letter was accepted by the management and the applicant was relieved from duties as of 29 June 2017. The applicant filed his appeal within 33 days of his termination, that is to say, after delay of

three days. The Tribunal has considered justification for this delay. The Tribunal has noted that in the month of June-July, the Jain Community, to which the applicant belongs, observes Chaturmas. Besides, the applicant tried to meet the Officers of the College management and seek their response. A short delay ensued because of these circumstances. After considering these circumstances, the Tribunal was pleased to condone the delay and order the Respondents' appeal to be registered and numbered. No fault can be found with the impugned order of the Tribunal. The delay has been rightly condoned. All rights and contentions of the parties on merits have been kept open by the Tribunal to be decided at the hearing of the appeal. The writ petition is dismissed.

Smita
Johnson
Gonsalves

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by Smita Johnson
Gonsalves
Date: 2018.07.25
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(S.C. GUPTE, J.)