

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.10615 OF 2017**

Mr.Vaijanath Goroba @  
Goraknath Suryawanshi .. Petitioner.

Vs.

Principal Secretary of Higher  
Education Department of  
Maharashtra State & Ors. .. Respondents.

Mr. Rajaram V. Bansode for the petitioner.  
Mrs. Vaishali Nimbalkar AGP for the State.  
Mr. Sarang A. Fulbandhe for Respondent Nos.2 to 5.

**CORAM : A.K. MENON, J.**

**DATED : 19TH MARCH, 2018**

**P.C. :**

1. By this petition, the petitioner challenges an order dated 28th April, 2017 passed by the Tribunal rejecting an application for condonation of delay in filing an appeal before the Tribunal challenging the termination of services. The delay that has occasioned was of 467 days. The Tribunal by the impugned order observed that the petitioner had been given sufficient opportunity to make out a case. That initially, it was found that the application seeking condonation of delay did not contain reasons sufficient to

explain the delay that has occasioned and an application was preferred for seeking amendment to the Miscellaneous Application taken out for delay. The amendment application relied upon numerous letters addressed by the petitioner to various authorities. The said application was allowed on 30th March, 2017. The Tribunal after having considered substantial delay in approaching the Tribunal and availing of remedy of the appeal observed that despite sufficient opportunity being granted the application seeking condonation of delay lacks averments and sufficient cause has not been made out on the facts and even otherwise. The application was therefore rejected and as a result of this impugned order the petitioner today stands deprived of an opportunity to urge his case in appeal.

2. Heard learned counsel for the petitioner at length, however, it appears that although various letters were addressed to the authorities from time to time, the appeal was not filed within time. One of the reasons for not filing an appeal, according to the petitioner is that he was unaware that the appeal was required to be filed within specified time. The Tribunal found that there is no substance in this argument. The petitioner had apart from addressing various letters, representations, legal notices and had obtained legal advice from time to time. Besides the Tribunal has considered various criteria to be applied in case of delay. However, in the interest of justice, I find that one opportunity is to be granted to the petitioner to avail of remedy

of an appeal. However, the petitioner must be put to terms. Hence I pass the following order :

(i) Subject to payment of costs of Rs.5,000/- to be paid to respondent no.5, the impugned order is set aside. The costs to be paid within a period of four weeks from today.

**(A.K. MENON,J.)**