

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

WRIT PETITION NO. 13670 OF 2017

Janata Shikshan Sanstha & Anr.

...Petitioners

Vs.

Shri Vikram Mansingh Jadhav & Ors.

...Respondents

Ms.Kumud Bhatia I/b. Hansa A. Asher for Petitioners.

Mr.Vaibhav R. Gaikwad for Respondents.

CORAM : S.C. GUPTE, J.

DATE : 20 JUNE 2018

P.C. :

Heard learned Counsel for the parties.

2 This petition challenges an order passed on a miscellaneous application for condonation of delay by School Tribunal at Pune

3 The first Respondent was working with the Petitioner institution as a teacher. His services were terminated orally on 16 June 2016. It was considered as “otherwise termination”. There is a delay of 9 months and 14 days in challenging the termination before the School Tribunal in an appeal under Section 9 of the MEPS Act. This delay was condoned on the first Respondent's application by the School Tribunal. The application was on the basis that there was no formal order of termination but that the Petitioner company prohibited him from signing the muster and attending his duties. When he inquired about the same, he was told that his approval was pending and he would be informed about the same later. Since, however, nothing was done by the Petitioners in the matter,

the first Respondent was constrained to file an appeal. The School Tribunal was of the view that there was no termination or inquiry but that in the facts of the case, considering the averments of the first Respondent, it would be natural for an employee to expect some help from the office bearers of the management and taking into consideration this aspect, the ensuing delay of 9 months and 14 days could be condoned on imposing costs on the Applicant. The application was, accordingly, allowed and the delay was condoned subject to payment of costs of Rs.1000/-.

4 No infirmity can be found in the impugned order of the School Tribunal. Since there was no formal termination and merely refusal to allow the first Respondent to sign the muster roll coupled with the fact that the first Respondent's case was that he was told that since an approval with the Education Department was pending, he would have to wait and would be informed of the same in due course, the view taken by the School Tribunal that on these facts, the employee would be expected to wait for a few days and seek help from the management, appears to be a possible view and requires no interference. In the premises, there is no merit in the petition and the petition is dismissed.

(S.C. GUPTE, J.)