

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4609/2018

Shri Yuvraj Kashinath Nimgade

..VS..

Bhaurao Narayan Durge, Chandrapur and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri R.B. Dhore, Counsel for the petitioner.
Ms Kirti Satpute, Counsel for Respondent No.1.
Mrs. Gita Tiwari, AGP for Respondent No.5.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 25, 2018.

1. Heard learned counsel Shri R.B. Dhore for the petitioner, learned counsel Ms Kirti Satpute for respondent No.1 and learned Assistant Government Pleader Mrs. Gita Tiwari for respondent Nos.5.
2. Submission of learned counsel Shri R.B. Dhore for the petitioner is, that learned Presiding Officer, School Tribunal, Chandrapur has committed a wrong in allowing the application for condonation of delay and instead of restoring the application for condonation of delay has restored the appeal itself.
3. Respondent No.1 filed an appeal under Section 9 of the Maharashtra Employees Private Schools (Conditions of Service) Regulation, 1977 since according to respondent No.1 he was otherwise terminated. The termination is of the year

2002. He filed an appeal before the School Tribunal in 2005. Since the appeal was barred by limitation, an application for condonation of delay was moved. The said application for condonation of delay was dismissed in default on 14.10.2010. Respondent No.1 filed an application in 2013 for restoration of the said application. Since there was a delay in moving the application for restoration, an application for condonation of delay was filed. By the impugned order dated 9.2.2018, learned Presiding Officer, School Tribunal, Chandrapur has allowed the application for delay and thereby condoned delay of 2 years and 9 months .

4. Respondent No.1 was otherwise terminated in the year 2002. Therefore, he filed an appeal along with an application for condonation of delay. The said application was dismissed in default on 14.10.2010. In 2013, an application for restoration of the condonation of delay application was moved and since it was barred, another application for condonation of delay was filed which was allowed by the Court below.

5. After hearing learned counsel Shri R.B. Dhole for the petitioner and after perusing the impugned order, I am of the view that there is no perversity on the face of the record warranting interference by this Court under Article 226 of the Constitution of India. Hence, the writ petition is dismissed.

JUDGE