

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8360 OF 2018

**MAGAN PANDITRAO IKHE
VERSUS
DNYAN PRAKASH MANDAL THRO SECRETARY AND OTHERS**

...
Advocate for the Petitioner : Shri H. P. Jadhav
...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 11th FEBRUARY, 2019.

...

PER COURT :

1. The petitioner is aggrieved by the impugned order dated 25/01/2016 challenged in this petition filed on 06/06/2018, by which, the School Tribunal refused to condone the delay of only 39 years.

2. The case of the petitioner is that he joined the respondent institution as an Assistant Teacher on 01/11/1971. He was orally terminated on 23/11/1976. He acquired employment elsewhere. He challenged his termination by filing Regular Civil Suit No. 438/1988 which is after 12 years. The suit was dismissed on 12/02/1990 for the reason that the challenge to the termination is not maintainable in a suit and

the petitioner has to approach the School Tribunal. Yet, the petitioner preferred Regular Civil Appeal No. 192/1990 which was dismissed by the First Appellate Court by judgment dated 10/09/1998. The petitioner preferred Second Appeal No. 283/2008 after 10 years and that was also dismissed on 24/07/2008. Then he approached the School Tribunal by preferring Misc. Application No. 7/2015 which is after 7 years.

3. The conduct of the petitioner is gross. His termination of 1976 is challenged in the suit in 1988 after 12 years. His suit was dismissed in 1990 and his Regular Civil Appeal was dismissed in 1998. He filed a Second Appeal after 10 years which was dismissed on 24/07/2008. He then preferred a proceeding before the School Tribunal after 7 years.

4. In view of the above, I do not find that the School Tribunal has committed any error in passing the impugned order refusing to condone the delay of 39 years.

5. This petition is, therefore dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-