

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5070 OF 2017

Shri Machindra Namdeo Patil

.. Petitioner

Vs.

The President

.. Respondent

Gurukrupa Samajseva Mandal & Ors.

WITH

WRIT PETITION NO. 8091 OF 2017

Shri Sunil Murlidhar Gaikwad

.. Petitioner

Vs.

The President

.. Respondent

Gurukrupa Samajseva Mandal & Ors.

Mr. Satyajeet A. Rajeshirke for the Petitioner .

Mr. Laxman S. Deshmukh for Respondent nos. 1 to 3.

CORAM : A.K. MENON, J.

DATED : 17th JANUARY, 2019.

P.C. :

1. The challenge in these Writ Petitions is to the order dated 17th December, 2016 passed by the School Tribunal Kolhapur in Miscellaneous Application No. 10 of 2015 whereby the School Tribunal declined to condone delay of 1 year, 8 months and 5 days. The School Tribunal was of the view that sufficient cause had not been made out and hence the condonation of delay application was rejected.

2. Today it is submitted by the learned counsel for the petitioner that both the petitioners in this petition had made an application under the Right to Information Act and that the application under the RTI Act was first made on 2nd November, 2008. However the date of termination is much later only on 17th June, 2013, which found that there is no connection between the RTI Application and the cause of action.

3. It is submitted today that after subsequent applications the document concerned were received only on 5th August, 2014 and therefore the delay that occasioned ought to have been condoned. Even assuming this to be true, the application for condonation of delay is dated 23rd February, 2015. There is no explanation whatsoever for the delay between 5th August, 2014 and 23rd February, 2015. Furthermore in the subject line of the forwarding letter dated 5th August, 2014 issued by respondent no. 3 the date of the application under the RTI Act is material. The request for documents is dated 7th July, 2014. It is also material to note that application is common on behalf of both petitioners and the same was made by Mr. Machindra Namdeo Patil petitioner in WP/5070/2017 and in the second petition as well filed by Sunil Murlidhar Gaikwad. The applications for condonation of delay are also dated 23rd February, 2016.

4. In the circumstances it is obvious that there is no bonafide cause for the delay that has been canvassed before the Tribunal. The applications for condonation of delay are merely by way of afterthought and for these reasons the order calls for no interference. I pass the following order :

- (i) Writ Petitions are dismissed.
- (ii) No costs

(A.K. MENON,J.)