

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10008 OF 2019

Sarvajanik Education Society (Ghatkopar) & Anr. ... Petitioners
Vs.
The State of Maharashtra and others ... Respondents

Mr. M. Choudhary i/b. M/s. Mannadiar & Company for Petitioners.
Mrs. V. S. Nimbalkar, AGP for Respondent Nos.1 and 2-State.
Mr. Chetan Mali for Respondent No.3.

CORAM : UJJAL BHUYAN, J.
DATE : DECEMBER 09, 2019

P.C. :

Heard Mr. Choudhary, learned counsel for the petitioners and Mr. Mali, learned counsel for respondent No.3; also heard Ms Nimbalkar, learned AGP for respondent Nos.1, 2 and 5-State.

2. This petition has been filed by Sarvajanik Education Society, Ghatkopar and Smt. S. T. Mehta Women's Junior College of Arts under Article 226 of the Constitution of India challenging the legality and correctness of order dated 30.04.2019 passed by the learned Presiding Officer, School Tribunal, Mumbai under exhibit No.1 in M.A.No.30 of 2018 condoning the delay of 305 days in filing the related appeal by respondent No.3.

3. It may be mentioned that respondent No.3 served as Assistant Teacher in Sociology in Smt. S. T. Mehta Women's Junior College of Arts. By order dated 30.01.2018, she was terminated from service.

4. Respondent No.3 preferred an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. Since there was delay of 305 days in filing the appeal, respondent No.3 also filed an application for condonation of delay. The application was marked as exhibit No.1.

5. The prayer for condonation of delay was resisted by the petitioners who were arrayed as respondents in the appeal. After hearing the matter, the learned Presiding Officer of School Tribunal passed order dated 30.04.2019 condoning the delay in filing the appeal.

6. Aggrieved, present writ petition has been filed.

7. After hearing learned counsel for the parties and on going through the materials on record including the order dated 30.04.2019, Court finds no good ground to interfere with the order dated 30.04.2019 condoning the delay. Learned Presiding Officer has passed a reasoned order whereafter the delay has been condoned. Of course, any observation made by the learned Presiding Officer while passing the order dated 30.04.2019 shall not in any manner be construed to be an observation touching upon merit of the case. Observations, if any, were made only for the purpose of deciding the application for condonation of delay. Nothing more should be read into it.

8. Subject to the above, writ petition is dismissed.

(UJJAL BHUYAN, J.)

Minal Parab