

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

WRIT PETITION NO.930 OF 2019

(PARWA EDUCATION SOCIETY & ANR...VS..SURESH GOVINDRAO BHURE & OTH.)

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

Court's or Judge's orders

Ms Ashwini S. Athalye, Advocate for Petitioners.
Ms Tajwar Khan, A.G.P. for Respondent Nos. 2 and 3.

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 26, 2019.

Heard.

The petitioners/management have challenged the order passed by the School Tribunal condoning delay of more than 16 years and 3 months in filing the appeal. The respondent No.1-employee has filed appeal complaining that his services are illegally terminated by the communication dated 18th July 2001. Initially the petitioner had filed Appeal No. 57 of 2001 before the School Tribunal. This appeal was filed by the respondent No.1 within the prescribed period of limitation. By order dated 12th October 2001, the Tribunal had disposed the appeal as the issue of maintainability of the appeal filed by an employee of Ashram School was subjudice before this Court in Letters Patent Appeal No. 116 of 2000. The Tribunal had granted liberty to the petitioner to approach the Tribunal again after the decision of Letters Patent Appeal No. 116 of 2000.

The respondent No.1 had then filed Writ Petition No. 4029 of 2001 before this Court. In the meantime, the Letters Patent Appeal was decided. This Court disposed the

Writ Petition No. 4029 of 2001 in view of the judgment given in Letters Patent Appeal No. 293 of 1999, holding that the School Tribunal had jurisdiction to decide the appeal filed by the employees of the Ashram School. The matter was remitted to the School Tribunal. After remand, the School Tribunal dismissed the appeal filed by the respondent No.1-employee holding that the appeal was not maintainable. Then the respondent No.1-employee approached the Additional Commissioner. The Additional Commissioner allowed the appeal filed by the respondent No.1-employee. The Management had approached this Court by filing Writ Petition No. 4622 of 2006. By judgment dated 20th November 2006, this Court remanded the matter to the Additional Commissioner for fresh decision. The Additional Commissioner again allowed the appeal by order dated 5th April 2007. Again the management approached this Court by filing writ petition which was decided by the judgment dated 10th November 2014. Again the matter was remanded to the Additional Commissioner. The Additional Commissioner again allowed the appeal by order dated 14th July 2017. The Management had challenged this order before this Court in Writ Petition No.5105 of 2017. This writ petition is decided by order dated 4th September 2017. The order passed by the Additional Commissioner is set aside on the ground that the Additional Commissioner had no jurisdiction to entertain the appeal filed by the respondent No.1-employee. Liberty was granted to the respondent No.1-employee to approach appropriate forum. Then the respondent No.1 has filed appeal before the School Tribunal along with the application praying for condonation of delay.

After going through the material placed on record, I find that the respondent No.1-employee has shown that there is sufficient and justifiable cause for the delay, and the Tribunal has rightly appreciated the matter and condoned the delay.

There is neither any illegality nor error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction.

The writ petition is **dismissed**. No costs.

JUDGE

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