

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

WRIT PETITION NO. 5993 of 2019

(Shri Datta Shikshan Sanstha and anr. -Vs- Pradeep Bhauraoji Nakhate and anr.)

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

Court's or Judge's orders

Shri R.R. Dawda, Adv. for the petitioners.

CORAM : Z.A.HAQ, J.

DATED : 30th AUGUST, 2019

Heard.

By the impugned order, the School Tribunal has condoned the delay of three months in filing the appeal by the employee. The Management takes exception to this order on the ground that there is no explanation and “sufficient cause” which resulted in the delay, has not been pointed out.

It is submitted that even as per the respondent-employee, after his service is terminated on 08.01.2018, he made the first representation to the officer of the Education Department on 24/04/2018. It is argued that the Tribunal has committed an error by not considering the matter in the light of the settled principle that delay cannot be condoned unless sufficient cause is shown by the party, explaining the delay. To support the submission, reliance is placed on the judgment given by this Court in Writ Petition No. 306 of 2005 (Shri Sati Devi Public Trust and ors -Vs- Ravindra s/o Tukaram Deore and anr.) on 20.09.2006.

On going through the impugned order, I find that the learned Presiding Officer has examined the relevant facts and has taken plausible view and has exercised discretion in favour of the respondent no. 1-employee, judiciously.

In the facts of the case, I see no reason to interfere with the impugned order.

Hence, the Writ Petition is **dismissed**. No costs.

JUDGE

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