

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

WRIT PETITION NO. 6002 of 2019

(Smt. Sarika D/o Bindraprasad Raut -Vs- Mahila Sewa Mandal and ors.)

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

Court's or Judge's orders

Shri Y.R. Kinkhede, Adv. for the petitioner.

CORAM : Z.A.HAQ, J.

DATED : 30th AUGUST, 2019

Heard.

The petitioner-employee had filed appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act 1977, before the School Tribunal, and as there was delay of 3740 days in filing the appeal, an application under Section 9(3) of the Act of 1977, praying for condonation of delay was filed. This application is dismissed by the impugned order and consequently, the appeal filed by the petitioner-employee is rejected. The contention of the petitioner-employee is that the delay is caused because of the circumstances beyond her control and as the Caste Scrutiny Committee delayed the proceedings in the matter of validation of her caste claim.

The services of the petitioner-employee were terminated on 08.09.2007. The appeal came to be filed in February 2018. Apart from the fact that there is inordinate delay in filing the appeal, in the facts of the case it is stale claim and it would not be proper to consider the grievance of the petitioner-employee after such long period inasmuch as there is every chance that some other employee might have

been appointed on the post in which the petitioner-employee was working at the time of her termination from service.

I find that the Tribunal has considered all the relevant aspects, including the contention of the petitioner-employee that the delay has occasioned because of the pendency of the proceedings before the Caste Scrutiny Committee.

I find that the Tribunal has not committed any illegality or error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction.

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

JUDGE

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