

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.6518 OF 2019

Millat Education Society, Talegaon, Darwha, Dist. Yavatmal and anr.

-vs-

Kouser Jamil Abdul Matin Darwha, Dist. Yavatmal and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri T. S. Deshpande, Advocate for petitioners.
Shri A. V. Palshikar, Assistant Government Pleader for
respondent No.2.

CORAM : A.S.CHANDURKAR, J.

DATE : October 04, 2019

Challenge raised in the present writ petition is to the order condoning the delay in filing the appeal at the instance of respondent No.1 herein.

According to Shri T. S. Deshpande, learned counsel for the petitioner, the respondent No.1 had voluntarily submitted her resignation on 02/02/2017 which was duly accepted by the Management. Despite tendering such resignation voluntarily the respondent No.1 filed an appeal seeking to challenge the same along with an application for condonation of delay. He submitted that since the respondent No.1 had given up her services voluntarily there was no case for condoning the delay in filing the appeal.

The question whether the resignation given by the respondent No.1 was voluntary or not is a matter to be considered by the School Tribunal. At this stage when merely the delay in filing that appeal has been condoned, said aspect cannot be adjudicated. Since the School Tribunal has exercised discretion by

condoning the delay, I do not find any reason to interfere with the impugned order. Keeping all challenges sought to be raised by the petitioners open for being raised before the School Tribunal, the writ petition is dismissed with no order as to costs.

JUDGE