

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 7533/2019

(INDIRA BAHU-UDDESHIYA SHIKSHAN SANSTHA, BULDANA & ANOTHER **VERSUS** DR.SHRIKANT
SUDHAKARRAO DANDGE & ANOTHER)

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

Court's or Judge's orders

Shri Abhay Sambre, counsel for petitioners.

CORAM : A.S. CHANDURKAR, J.

DATE : NOVEMBER 15, 2019.

Challenge raised in the present writ petition is to the order passed by the learned Presiding Officer, University and College Tribunal condoning the delay of sixty seven days in filing the appeal.

The appeal in question challenges the order of termination dated 26.03.2019 as well as a reversion order having retrospective effect issued on 29.03.2019. According to the respondent no.1, he was suffering from hypertension, chest pain and heaviness in head. A medical certificate was also placed on record. That certificate has been accepted by the learned Presiding Officer as indicating sufficient cause for condoning delay.

Shri Abhay Sambre, learned counsel for the petitioner submits that the reasons given in the application are insufficient to condone the delay. Though notice of one month was given while terminating the services of the respondent no.1, he did not take immediate steps and instead waited for the period of limitation to expire. The ailments mentioned in the medical certificate were not of such a nature to prevent the filing of the appeal within limitation. Hence, the impugned order was liable to be set aside.

After hearing the learned counsel and after perusing the documents on record, it is found that the learned Presiding Officer has after considering the medical certificate found it proper to exercise discretion in favour of the respondent no.1 and condone the delay. The respondent no.1 having lost his services was entitled to challenge the orders of termination as well as reversion by availing the statutory remedy. I therefore do not find any reason to interfere in writ jurisdiction.

The Writ Petition is therefore dismissed. No costs.

JUDGE

APTE