

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

WRIT PETITION NO.1197 OF 2018

Syadwad Shikshan Sanattha, Thr. Its Secretary, Ansing, Dist. Washim and anr.

-vs-

Keshav Jairam Kalapad and ors.

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

Court's or Judge's Orders.

Shri V. K. Paliwal, Advocate for petitioners.
Shri D. G. Gawande, Advocate for respondent No.1.
Shri A. M. Balpande, Assistant Government Pleader for
respondent No.2.

CORAM : A.S.CHANDURKAR, J.

DATE : June 14, 2019

The petitioners have challenged the order dated 02/05/2017 passed by the learned Presiding Officer, School Tribunal, Amravati condoning the delay in filing the appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Services) Act, 1977.

2. The principal ground of challenge raised by the learned counsel for the petitioners is that while considering the application for condonation of delay on 20/04/2017 the matter was adjourned to 08/06/2017 for further hearing. However, on 27/04/2017 the matter was taken on board without notice to the present petitioners and after hearing the counsel for the applicant it was posted for

passing order on 02/05/2017. On 02/05/2017 the delay was condoned. It was thus submitted that the impugned order has been passed without grant of opportunity to the petitioners.

3. On behalf of the respondent No.3 it was submitted that initially the employee had approached this Court by filing Writ Petition No.2678/2015 being aggrieved by the order of otherwise termination dated 02/01/2015. This Court on 24/08/2016 permitted the employee to file an appeal before the School Tribunal. Said appeal was filed within a period of thirty days from 24/08/2016. Hence there was no reason to interfere with the impugned order.

4. Perusal of the documents placed on record as well as the roznama indicates that though the application was fixed for hearing on 08/06/2017, its hearing was pre-poned at the instance of the employee. There was no notice given to the Management. Though there is substance in the contention of the petitioners that hearing of the application was pre-poned without notice, the fact remains that the appeal was filed within the period of thirty days from the liberty granted by this Court in the writ petition preferred by the employee. It has been so observed that the appeal was filed

within thirty days from the date of that order. Hence no useful purpose would be served by remanding the matter for fresh consideration.

5. In that view of the matter there is no reason to interfere with the impugned order. The School Tribunal shall decide the appeal on its own merits and in accordance with law.

Writ Petition is therefore dismissed with no order as to costs.

JUDGE