

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.12806 OF 2019

Ravindra s/o Asaram Satpute

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr K.M. Nagarkar, Advocate h/f Mr R.S. Shejule, Advocate for
petitioner

Mr V.S. Badakh, AGP for respondents no. 1 to 3

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 3.2.2020

ORAL ORDER :

1. The appeal filed by the petitioner under Section 17 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 has been dismissed on the ground of limitation.
2. Mr Nagarkar, learned Advocate for petitioner submits that the petitioner could not file the appeal within the period of limitation for multifarious reasons. The mother of the petitioner was ill. One of the reasons was also financial stringency.
3. It appears that there was delay of 29 days in filing the appeal.
4. We have considered the submissions and the grounds given. It is trite that whenever substantial justice and technical considerations are pitted against each other, cause of substantial justice shall be subserved. The delay is not inordinate one. Considering the above, we pass the following order :

5. The impugned order dated 1st March 2018 not entertaining the appeal of the petitioner on the ground of limitation is quashed and set aside. The petitioner is relegated before the appellate authority. The appellate authority shall decide the appeal of the petitioner on its own merits, expeditiously.

6. With the aforesaid observations, writ petition disposed of.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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