

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 WRIT PETITION NO.8004 OF 2019
SHRI BALIRAJ SHIKSHAN SANSTHA SOMESHWAR THROUGH SECRETARY AND
ANOTHER
VERSUS
MAHESH NARAYANRAO BILOLIKAR AND ANOTHER

WITH
WRIT PETITION NO. 8028 OF 2019
SHRI BALIRAJ SHIKSHAN SANSTHA SOMESHWAR THROUGH SECRETARY AND
ANOTHER
VERSUS
DAIVASHALA SADASHIVRAO MATEKAR AND ANOTHER

Mr.C.K. Shinde, Advocate for the petitioners.

Mr.A.S. Shivpuje & Mr. G.V. Mohekar, Advocates for the respondents.

Mr.R.B. Bagul, AGP for respondent/State.

CORAM : SANDEEP K. SHINDE, J.

DATED : 25.06.2021

PC :-

01. Heard Mr.C.K. Shinde, learned Counsel for the petitioners, Mr.A.S. Shivpuje, learned Counsel for respondent No.1 and learned AGP for respondent No.2.

02. The respondent's appeals under section 9 of the MEPS Act were not instituted within limitation. Thus, applications were moved for condonation of delay. These applications were opposed by the petitioner - respondent No.1 inter alia challenging the maintainability of appeals. The Tribunal declined to entertain the issue of maintainability of the appeals in the delay condonation proceedings. Thus, aggrieved by the orders dated 11.04.2019 passed by the In-charge

Presiding Officer, School Tribunal, these petitions are preferred under Articles 226 and 227 of the Constitution of India.

03. Mr. C.K. Shinde, learned Counsel for the petitioners fairly submits that let the Tribunal first decide delay condonation applications on their own merits, where-after liberty be granted to the petitioners to raise the issue as to maintainability of appeals preferred by respondent No.1.

04. In consideration of the facts of the case without addressing the issue raised by Mr. Shinde, in my view, ends of justice would meet if the Tribunal is directed to decide the delay condonation applications preferred by respondent No.1 in accordance with law and thereafter shall also decide the objection of the petitioners as to maintainability of the appeal, on its own merits and without being influenced by the orders dated 11.04.2019, passed in Misc. Application Nos.20 and 21 of 2018.

05. The petitions are disposed of in aforesaid terms.

[SANDEEP K. SHINDE,J.]