

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

WRIT PETITION NO.2579/2019

Abdul Rafiq Abdul Rauf,
aged about 48 years, Occ. Terminated
Instructor, r/o Quarter No.21, Teacher
Colony, Walgaon Road, Amravati,
Tq. Dist. Amravati.

.....PETITIONER

...V E R S U S...

1. Majlis-e-Madarsa-e-Saifiya,
Regn. No. F-17, through its President,
Paradise Colony, Walgaon Road,
Amravati – 444 604, Dist. Amravati.
2. The Principal,
Urdu Saify Jubilee M.C.V.C. & Junior
College, Paradise Colony, Walgaon Road,
Amravati – 444 604, Dist. Amravati.
3. Urdu Education Association,
Amravati through its President,
Chandani Chowk, Amravati,
Tq. Dist. Amravati.
4. The Joint Director of Vocational
Education and Training, Amravati,
Tq. Dist. Amravati.

...RESPONDENTS

Mr. V. A. Kothale, Advocate for petitioner.
Mr. F. T. Mirza, Advocate for respondent nos. 1 and 2.
Mrs. M. A. Barabdhe, A.G.P. for respondent no.4.

CORAM:- V. M. DESHPANDE, J.
DATED :- 01.02.2021

ORAL JUDGMENT

1. Rule. Rule is made returnable forthwith. Heard Mr.Kothale, learned counsel for petitioner, Mr. Mirza, learned counsel for respondent nos.1 and 2 and Mrs. Barabdhe, learned A.G.P. for respondent no.4. Respondent no.3 is not the necessary party as the management of the respondent no.3 is already taken over by respondent nos. 1 and 2.

2. The petitioner has approached this Court against rejection of application filed on his behalf for condonation of delay in preferring statutory appeal before learned School Tribunal. The impugned order is passed on 06.03.2019. The petitioner approached to learned tribunal below challenging his oral termination dated 25.09.2017. The appeal was presented on 19.12.2017. Thus, there is a delay of 50 days in presentation of appeal. According to learned counsel for the petitioner, the delay occurred because he was awaiting reply to his representation till 06.11.2017.

3. Learned Presiding Officer of the School Tribunal ought to have taken a lenient view especially when the petitioner has

lost his service of 24 years and according to him, termination was illegal. In such case, it is my considered view that lis between the parties should be decided by the Court on its own merit.

4. In view of above, the writ petition is allowed. Order dated 06.03.2019 in Appeal No.19/2017 passed by Presiding Officer, School Tribunal is hereby quashed and set aside. The delay caused in presenting the appeal filed challenging the oral termination dated 25.09.2017 is hereby condoned. The appeal filed on behalf of the petitioner be registered and it be decided on its own merit by giving opportunity of hearing to both the parties.

Rule is made absolute in the above terms. No order as to costs.

JUDGE

kahale