

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

WRIT PETITION NO.6977 OF 2022

MUKUND DHONDIRAM LANGOTE
VERSUS
PRESIDENT SHIVSHAKTI BAHU UDDESHIYA SEVA SANSTHA AND
OTHERS

...
Advocate for Petitioner : Mr. Shaikh Shoyab Mh. Shaikh Isaril

...
CORAM : MANGESH S. PATIL, J.

DATE : 07.07.2022

PER COURT :

Heard the learned advocate for the petitioner.

2. The petitioner is aggrieved by the order passed by the School Tribunal refusing to condone the delay of more than 4 years in preferring an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.

3. The petitioner averred before the Tribunal that it was otherwise termination. He was all the while trying to get the dispute settled amicably and this had caused the delay.

4. Apart from such specific ground, he also averred that his termination was illegal. He was prevented from working at the School. It would cause irreparable loss to him. He has a family to maintain and prayed to condone the delay.

5. The respondent management opposed the request for condonation of delay by pointing out that there was an incident wherein the

petitioner had abducted couple of girl students in February 2016. It had damaged reputation of the School. Though it was once thought of taking action against him, the decision was taken to avoid it in the interest of the girl students.

6. I have carefully considered the submissions and perused the order passed by the Tribunal.

7. Though it is trite that the basic principle to be borne in mind while entertaining an application for condonation of delay is the fact that a person is not to gain anything by allowing his rights to be lost by time. Unless there are circumstances to indicate that the delay has occasioned because of some ulterior motive or the person is attributable with some mala fides, in moving the application, usually the delay is condoned.

8. Simultaneously, it is to be remembered that the law of limitation has its own place in the statute book. Though harsh, the principle governing the law of limitation needs to be borne in mind. There has to be termination of any dispute. The loose end has to be tied someday at some point of time. Even the society at large would have legitimate expectation of termination of a *lis*.

9. Bearing in mind all these principles, though in an appropriate case the delay can be condoned, the present case, in my considered view does not fall in that category. Though the petitioner complains about oral termination, even according to him it had occurred more than four years prior to the filing of the appeal.

10. Except saying that he was making attempts to get the dispute settled amicably and was approaching the management, there was absolutely no material before the Tribunal and there is none even before this Court to substantiate such a stand. If at all there was some attempt at mediation that could have been revealed by producing some objective material but that has not been done.

11. Besides, even if it is assumed that going by the nature of the dispute there could be some such attempt at mediation, the petitioner could have waited for some reasonable time. Saying that he was awaiting for more than four years for things to be sorted out is certainly unbelievable.

12. Except the aforementioned ground, the application before the tribunal was absolutely devoid of any other cause which could be said to be sufficient.

13. No error is committed by the tribunal in rejecting the application.

14. The Writ Petition is dismissed.

(MANGESH S. PATIL, J.)