

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11434 OF 2022

Rajesh Vasant Kini

...Petitioner.

Versus

The State of Maharashtra & Others.

...Respondents.

Mr. Mandar Limaye for the Petitioner.

Smt. P. N. Diwan, AGP for the Respondent-State.

CORAM : NITIN W. SAMBRE &
SHARMILA U DESHMUKH, JJ.

Date : December 1, 2022.

P. C. :

1. Heard. The Petitioner was served with an order imposing the punishment of stoppage of one increment temporarily vide order dated 11th December 2019. The Petitioner received the communication on 11th December 2019 and pursuant to Rule 29 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 preferred an appeal, which was rejected by the office of the Divisional Deputy Director of Education, Mumbai vide the impugned order dated 29th December 2021 alleging that the same is brought after the period of 45 days of limitation.

2. It appears that the said authority was not sensitive to the fact that the order was communicated to and served on the Petitioner by the Respondent–management on 11th December 2019 and he has preferred the appeal which is acknowledged by the office of Deputy Director on 13th January 2020.

3. Considering the date of receipt of order against which the appeal was preferred, it cannot be said that the appeal was time barred. As such the order impugned passed by the Respondent – Divisional Deputy Director, Education, Mumbai on 29th December 2021 is hereby quashed and set aside. The appeal of the Petitioner is restored to the file, which is directed to be decided expeditiously. It is clarified that the Petitioner will be entitled for the opportunity of personal hearing.

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]