

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

WRIT PETITION NO.4305/2019

Nabira Mahavidyalaya and Junior College, Katol Through its Vice-President
Shri Niranjan Mahadeo Raut and another
...Versus...
Vinod Daulatram Madankar and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Chawhan, Advocate for petitioners
Shri S.B. Pande, Advocate for respondent no.1
Shri N.R. Patil, AGP for respondent no.2

CORAM : AVINASH G. GHAROTE, J.

DATE : 17/10/2022

1. Heard learned counsels for the respective parties.
The petition questions the judgment dated 16/02/2019 passed
by the learned School Tribunal, whereby the delay of 109 days
in filing the appeal has been condoned.

2. Shri Chawhan, learned counsel for the petitioners
submits that since the respondent no.1 is already gainfully
employed somewhere else, the impugned judgment is not
justified.

3. This cannot be a ground to non-suit the
respondent no.1 from his remedy of filing an appeal under

Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. At the most, it can be used as a ground to claim dis-entitlement of the respondent no.1 to back wages in case the Court allows the appeal. In *Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and Ors., (2013) 12 SCC 649*, the Court has held that approach towards delay should be liberal, considering which, I do not find any substance in the present writ petition. The same is accordingly dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar