

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

23 WRIT PETITION NO.5970 OF 2022

Adiwasi Deomogra Education Society's
Natawad K.D. Gavit Arts College, Dhanora
Tq. And District Nandurbar,
Through its Chairman,
Shri Rajendrakumar s/o Krushnarao Gavit,
Age 62 years, Occupation Business,
R/o Dhanora, Tq. And Dist. Nandurbar. **.Petitioner
(Orig.Applicant)**

VERSUS

1. Shri Ramesh s/o Jairam Patil,
Age... years, Occu. Agriculture,
R/o Dhanora Tq. And Dist.Nandurbar.
2. Shri Rameshwar s/o Bhimsing Banjara,
Age... years, Occu. Agriculture,
R/o Kothali (Kh.), Tq. And Dist.
Nandurbar.
3. Kavayitri Bahinabai Chaudhari North
Maharashtra University, UMAVI Nagar,
Jalgaon District Jalgaon,
Through its Registrar.

**.Respondents
(Orig.Respondents)**

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Advocate for Petitioner : Mr. Khot Abhinay D
Advocate for Respondent Nos.1 and 2 : Mr. R. M. Jade
Advocate for Respondent No.3 : Mr. Y. B. Bolkar

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**CORAM : ARUN R. PEDNEKER, J.
DATE : 30th January, 2023**

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. By consent, the matter is heard finally. Heard the learned Advocate for the parties.

2. The petitioners as well as the respondents challenged the order dated 25/11/2019, passed by the Grievance Redressal Committee, Kavayitri Bahinabai Chaudhari North Maharashtra University, Jalgaon in Complaint No.1 of 2019, before the University and College Tribunal at Aurangabad. However, in the appeal filed by the petitioner, there was a delay of around 33 days. The Tribunal while considering the application for condonation of delay proceeded on the basis that the impugned order is dated 25/11/2019 whereas the impugned order is passed on 20/12/2019, and one of the members of the Grievance Committee has clearly signed the order on 20/12/2019. The respondents have also endorsed the same in December 2019. The Tribunal has proceeded on the basis that the order is delivered on 25/11/2019, because it is mentioned in the Judgment that it so was delivered, as such there are two different dates of pronouncement in the order of the Grievance Committee. Upon examination of the order, it is easily verifiable that the order is in fact passed on 20/12/2019. The respondents also do not seriously contest this fact since their reply to the delay condonation application they have also submitted that the delay of 35 days and ought not to be condoned. The Tribunal has proceeded on the basis

that there is a delay of 77 days.

3. On the merits of the application for condonation of delay the applicant submits that he has taken the search of the old records from the year 2001. However, in searching out the said old record, time of two weeks have been consumed. After collecting all the relevant record, the applicant again approached to the Advocate in second week of March 2020. Thereafter, on perusal the old record, the same was submitted to the Advocate and it took some some time in preparation of the appeal and as such the delay of 33 days has accrued.

4. The explanation given by the petitioner is a reasonable one and 33 days delay is condoned.

5. In view of the same, the impugned order is set aside. The application for delay condonation is allowed and the appeal is restored to the file of the Tribunal. Writ petition stands disposed of. Rule is made absolute in above terms.

(ARUN R. PEDNEKER, J.)

vj gawade/-.