



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO.5846 OF 2024

SUFA EDUCATION AND WELFARE SOCIETY AND ANOTHER
VERSUS

NASEEM IQBAL MAMDANI AND OTHERS

...

Mr. Moisali Amjedali Syed, Advocate for petitioners

Mr. S.N. Kendre, AGP for respondent No.3

...

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 20th JUNE, 2024

ORDER :

1 The petitioners assail the order dated 05.04.2024 passed by the Presiding Officer, University and College Tribunal, Aurangabad in Miscellaneous Application (delay) No.BAMU-18 of 2023, by which the delay of about 7 months and 23 days has been condoned in filing the appeal against the termination of respondent No.1.

2 Mr. Moisali Amjedali Syed, learned Advocate appearing for the petitioners vehemently submits that the University Tribunal has condoned the delay based on erroneous consideration. He would submit that although

respondent No.1 came with the case that she was pursuing her applications moved under Right to Information Act with the University seeking information and documents pertaining to the affiliation of college and approval, none of such documents were relevant for assailing the termination. He would point out that the information procured under such application is not made part of pleadings in the appeal memo. Therefore, reason that has been given by respondent No.1 for condonation of inordinate delay itself was not acceptable. He would, therefore, urge that the impugned order deserves to be quashed and set aside.

3 Having considered submissions advanced, it is apparent that the petitioners have not disputed that respondent No.1 made certain applications seeking information from the University. The copies of applications dated 21.03.2023, 01.07.2023 and 10.07.2023 are placed on record. Apparently the information sought by respondent No.1 appears to be regarding proposal moved for approval of either I/c Principal or other staff. Whether such information was relevant or not, that need not be gone into. However, it can be certainly said that respondent No.1 was attempting to procure the information relating to the various proposals moved by the College seeking approval of the staff. Such information cannot be said to be absolutely irrelevant when she was seeking challenge to the termination of her service.

The learned Presiding Officer of the University Tribunal observed that respondent No.1 has specifically pleaded that she was assured by Dr. Shaikh Ramzan, Chairman of the Society that he will consider to reinstate her in the service and for that purpose she was waiting to resolve the issue with his intervention. It is true that Dr. Shaikh Ramzan has filed his say and denied about averments in the application tendered by respondent No.1. But considering the limited issue as regards to the sufficiency of the reasons given for delay condonation all such disputed questions need not be gone into. Apparently the respondent invoked jurisdiction of the Tribunal to assail the termination order and given logical reasons for the delay of seven months and 23 days. In that view of the matter and considering the reasons as adopted by the Tribunal, no case is made out to interfere under Article 227 of the Constitution of India. Hence, the writ petition stands dismissed.

(S.G. CHAPALGAONKAR)
JUDGE

agd