

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4373 OF 2022

Dyandwar Shikshanik Samajik
Bahuuddeshiya Vikas Sanstha
Through Its Chairman And Anr.

...Petitioners

Versus

Gorakh Navnath Divate And Anr.

...Respondents

....

Mr. Nitesh V. Bhutekar, with Mr. Aniket Nangare, for the Petitioners.

Smt. V. S. Nimbalkar, A.G.P for Respondent No.2 – State.

Mr. Ajinkya Udane, with Mr. Vinayak Pandit & Maitrayee G., for
Respondent No.1.

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CORAM : AVINASH G. GHAROTE, J.

DATE : 3rd JULY, 2024

P.C.:

1. The petition questions the order dated 18.03.2021 passed by the School Tribunal, Solapur, condoning the delay of 3 years 9 months and 8 days in filing the Application under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Act, 1977, on account of termination of respondent No.1 on 02.03.2015 by the petitioners.

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RAMCHANDRA
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2. The learned School Tribunal, has allowed the Application for condonation of delay by accepting the reasons given, however subject to a cost of Rs.2,000/-.

3. The learned counsel for the petitioners taking exception to same and contends, that the Application for condonation of delay does not indicate any reason whatsoever for condoning the delay and therefore the impugned order is infirm.

4. Perusal of the Application for condonation of delay (page-22) indicates the actions, which the petitioner has taken consequent to the termination order 02.03.2015 and would indicate, that he was running from pillar to post for redressal of his grievance which is indicated from the averments in Paragraphs 5, 6 and 7, Considering which, that the grounds on which delay has been condoned by the learned School Tribunal on grounds are justified in law. Since there is a termination of the services of the respondent No.1 and Section 9 gives him the only opportunity to challenge such termination, delay ought not to come in his way for challenging such termination. The principles on which the delay has to be considered have been laid down by the Hon'ble Apex Court in the case of **Esha Bhattacharjee Vs. Managing**

Committee of Raghunathpur Nafar Academy and Ors¹, applying which in my considered opinion reasonable cause has been made out. I therefore do not see any reason to interfere in the impugned order except to the extent, that cost imposed by the learned School Tribunal is enhanced to Rs.15,000/- to be paid in the following account as a condition precedent by 12.07.2024 and a receipt be produced. The petition is therefore disposed off in the above terms.

Bank : Bank of Baroda, Backbay Reclamation Branch,
Mumbai – 20

Account No. : 03820100002611

IFSC CODE : BARB0BACKBA

Account Name : Mahila Vikas Mandal Colaba

Account Type : Savings.

(AVINASH G. GHAROTE, J.)

¹ 2013 (12) SCC 649