



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

WRIT PETITION NO. 150 OF 2024

Vasant Adivasi Sudhar Seva Mandal, Yavatmal and anr.

Vs.

Gajanan Vishwanath Demapure, Yavatmal and anr.

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

Court's or Judge's Orders.

Mr. P.A. Kadu, Advocate for petitioners.
Mr. S.M. Vaishnav, Advocate for respondent No.1.
Ms. Mrunal Barabde, AGP for respondent No.2.

CORAM : N.R. BORKAR, J.

DATE : 25.11.2024.

This petition takes exception to the order dated 08.12.2023 passed by the learned School Tribunal, Amravati in Misc. Application No.05/2023.

2. Respondent No.1 herein was working as Assistant Teacher with the petitioners.

3. By the order impugned, the learned School Tribunal has allowed the application filed by respondent No.1 for condonation of delay in filing appeal against the order of termination dated 19.05.2022.

4. I have heard the learned counsel for the petitioners and the learned counsel for the contesting respondents.

5. The learned counsel for the petitioner submits that the learned School Tribunal has erred in accepting the reason assigned by respondent No.1 that termination order was not served upon him and he came to know about the termination order only on 11.01.2023. It is submitted that multiple documents were produced before the School Tribunal to show that respondent No.1 was aware about the order of termination much prior to 11.01.2023.

6. It is submitted that the School Tribunal thus erred in allowing the application for condonation of delay without considering those documents and without recording any finding on those documents.

7. On the other hand, the learned counsel for the respondent has supported the impugned order.

8. Admittedly, the respondent No.1 was appointed as Assistant Teacher on 23.06.1995.

The petitioner has terminated the services of respondent No.1 after 27 years on the ground that his appointment was made against the post reserved for Scheduled Caste. *Prima facie* the action of the petitioner does not appear to be bonafide. I am therefore not inclined to interfere in the impugned order. The petition is dismissed.

9. Needless to mention that the learned School Tribunal shall decide the appeal on its own merit without being influenced by the observations made in this order.

(N.R. BORKAR, J.)