

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9734 OF 2023

Kamlakar Bankatrao Gokhane

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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Advocate for the Petitioner : Mr. Swami Sandeep C

AGP for Respondent/State : Mr. P.P. Dawalkar

Advocate for Respondent Nos.3 & 4 : Mr. U.B. Bondar

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 15, 2025

PER COURT :

1. Heard learned counsel for respective parties.
2. By way of present petition, the petitioner assails the order dated 13.03.2023 passed by the Additional Divisional Commissioner, Aurangabad in DB/Appeal/Sell/CR-116/2022, whereby the Additional Divisional Commissioner rejected the application seeking condonation of delay.
3. Learned counsel for the petitioner submits that the petitioner filed an appeal under Rule 13 of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964 and there was delay of 1 year 5 months and 8 days. While filing the application along with the application for delay, the petitioner explained the delay. But the learned Additional Divisional Commissioner without considering the application rejected the same.

4. I have gone through the application and order passed by the Additional Divisional Commissioner thereon. The petitioner had explained the delay in the application satisfactorily, but the learned Additional Divisional Commissioner has not considered the same. As far as delay part is concerned, the authorities are required to take liberal approach while considering the application for condonation of delay.

5. In view thereof, the petition is allowed. The order dated 13.03.2023 passed by the Additional Divisional Commissioner, Aurangabad in DB/Appeal/Sell/CR-116/2022 is quashed and set aside and the delay caused in preferring the appeal is hereby condoned.

(SIDDHESHWAR S. THOMBRE, J.)