

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9173 OF 2024

Chabu Hariba Mane

...PETITIONER

V/S.

The State of Maharashtra and Ors.

...RESPONDENTS

Mr. Rupesh A. Zade, *for the Petitioner.*

Mr. S.D. Rayrikar *AGP for the Respondent-State.*

CORAM : SANDEEP V. MARNE, J.

Dated : 5 March 2025.

P.C. :

1. The petition challenges order dated 21st December 2023 passed by Presiding Officer Savitribai Phule Pune Shivaji and Solapur University and College Tribunal [**College Tribunal**]. The learned College Tribunal has dismissed application for delay condonation of delay in filing the Appeal challenging termination order dated 21st February 2012.
2. I have heard Mr. Zade, learned counsel appearing for Petitioner and have considered submissions canvassed by him.
3. Petitioner was terminated from service on 21st February 2012. There was delay of 6 years and 14 days in filing Appeal

before the College Tribunal. Petitioner pleaded justification of sickness of his wife and of his daughter for seeking condonation of delay. However, it transpired that Petitioner initially challenged the termination order before the School Tribunal at Solapur and his Appeal came to be dismissed for want of jurisdiction on 12th April 2012. Petitioner was thereafter advised to challenge the order of School Tribunal dated 12th April 2012 before this Court and accordingly he filed Writ Petition No.10584 of 2012 which came to be withdrawn by order dated 5th February 2013 with liberty to institute Appeal before the College Tribunal. Thus, the Petitioner had ample time and resources to litigate before College Tribunal and before this Court and the sickness of his wife and daughter did not come in his way in doing so. He withdrew the petition filed before this Court with liberty to file Appeal before the College Tribunal. This Court clarified that the time spent in prosecuting Writ Petition No.110584 of 2012 shall be considered for condonation of delay. Despite this position, the Petitioner slept over his remedy and filed Appeal before the College Tribunal in the year 2018.

4. In that view of the matter, the pretext of sickness of his wife and daughter has rightly been rejected by the College Tribunal. I do not find any valid reason to interfere in the order passed by the College Tribunal. The petition is accordingly rejected.

SANDEEP V. MARNE, J.

KISHOR
VISHNU
KAMBLE

Digitally signed
by KISHOR
VISHNU
KAMBLE
Date:
2025.03.10
14:36:38 +0530