

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

WRIT PETITION NO. 15604 OF 2024

Samadhan Nanasaheb Jagtap

...Petitioner

V/s.

Dr. Babasaheb Ambedkar
Bahuuddeshiya Sanstha, Waluj
Sanchalit, Najik Pimpri and Ors.

...Respondents

Mr. Vinayak R. Kumbhar *for the Petitioner.*

Mr. S.D. Rayrikar, *AGP for Respondent No.3-State.*

CORAM : SANDEEP V. MARNE, J.

Dated : 21 January 2025.

P.C. :

1) Petition challenges order dated 8 November 2023 passed by the Presiding Officer, School Tribunal, Solapur, rejecting the Application for condonation of delay in filing Appeal under Section 9 of Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (**MEPS Act**). In his Appeal, the Petitioner sought to challenge his otherwise termination effected on 5 January 2020. The Appeal was however sought to be lodged alongwith Application for condonation of delay on 14 March 2023.

2) Under the provisions of Section 9 of the MEPS Act, the Appeal needs to be preferred within a period of 30 days.

However, since the Appeal was sought to be preferred after delay of more than three years, the Tribunal has proceeded to reject the Application for condonation of delay.

3) I have heard Mr. Kumbhar, the learned counsel appearing for the Petitioner and Mr. Rayrikar, the learned counsel appearing for Respondent No.3.

4) After having considered the submissions canvassed by the learned counsel appearing for the parties, it is seen that the Petitioner sought to approach the Tribunal with his grievance that his services were orally terminated on 5 January 2020 by preventing him from joining the duties. On the other hand the management had filed response to one of the communications between the Petitioner and Education Officer taking a stand that Petitioner was never appointed in the school of the management. Be that as it may. Even if the contentions of the Petitioner regarding termination are momentarily accepted, this conduct of maintaining silence after being prevented from joining duty on 5 January 2020 does not inspire confidence. The first representation by the Petitioner regarding his grievance of denial of opportunity to join duties since January-2020 was made after 10 long months on 12 October 2020. This was followed by representation dated 15 December 2020 in which Petitioner contended that he was prevented from joining duties because he refused to participate in fraud and forgery in the school documents and was unable to pay money as demanded by the management. Thus, refusal to participate in fraudulent

activities as well as inability to meet the demand for money made by the management were cited as reasons by the Petitioner in his representation dated 15 December 2020 for his alleged termination. However, if the pleadings in his Application for condonation of delay are perused Petitioner has averred in paragraph 3 thereof that he had sought leave of four days in the month of January-2020 and on that count, his services were terminated on 5 January 2020. Petitioner is thus not consistent about the exact reasons for which his services were allegedly terminated.

5) After 15 December 2020, there appears to be a long hiatus as no further representation was made by the Petitioner alleging any illegality in his termination. He addressed representation dated 18 August 2021 to the Education Officer stating therein that he was under suspension and sought personal hearing. Again for more than a year, he maintained silence and threatened proceeding on hunger strike vide representation dated 28 November 2022 addressed to Education Officer, Solapur. In his letter dated 28 November 2022, he did not raise any grievance about termination but sought inclusion of his name in the list of employees sent while securing 20% grant for the school. In my view therefore, the representation dated 18 August 2021 and 28 November 2022 cannot be considered as representations relating to alleged termination.

6) Apart from the inconsistencies in the stands adopted by him, the Petitioner otherwise appears to have slept over his

remedy relating to the alleged termination effected on 5 January 2020. As against limitation of only 30 days prescribed under Section 9 of the MEPS Act, the Petitioner approached the Tribunal after delay of three long years. No sufficient cause is shown by Petitioner for condonation of such an inordinate delay. Pleas adopted by him with regard to exact reason for termination are also inconsistent. All the representations made by him are also not with regard to his grievance of alleged termination. After 15 December 2020, it appears that no grievance is raised by the Petitioner regarding his termination till he approached the School Tribunal on 14 March 2023. The reason of Covid-19 pandemic cannot be cited for condonation of such an inordinate delay, especially when Petitioner was busy making representations for various other purposes, such as receiving grant-in aid, instead of challenging termination by approaching the Tribunal.

7) In my view, therefore, no justifiable cause was shown by Petitioner for condonation of inordinate delay of three long years. The Tribunal has rightly rejected the Application for condonation of delay.

8) Writ Petition is devoid of merits and it is accordingly dismissed with no orders as to costs.

[SANDEEP V. MARNE, J.]