

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17920 OF 2024

Peoples Education Association Igatpuri Thr. Its
Chairman/President and Ors.

.. Petitioners

Versus

Valmik Daulat Gaydhani and Anr.

.. Respondents

.....

- Ms. Pranita Pramod Hingmire, Advocate for Petitioners.
- Mr. Sanjay D. Rayrikar, AGP for Respondent No.2 – State.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JULY 07, 2025

P. C.:

1. Heard Ms. Hingmire, learned Advocate for Petitioners and Mr. Rayrikar, learned AGP for Respondent No.2 – State.

2. Ms. Hingmire draws my attention to impugned order dated 27.06.2024 passed by the learned Presiding Officer, School Tribunal, Nashik while allowing Miscellaneous Application No.11/2019.

3. Admittedly, there has been litigation between parties which has travelled up to this Court after the termination of the teacher as far back on 06.02.2016 in the past. There has been one remand and thereafter for filing the fresh appeal there has been a delay of a little in excess of 3 years.

4. Learned Advocate would draw my attention to sole reason attributed to the delay which has been considered by the learned Tribunal to contend that the said reason on the face of record is false. She would submit that non receipt of termination order dated 06.02.2016 has been falsely claimed by Respondent – teacher and such denial as claimed *prima facie* goes against the facts in the present case. She would submit that in the previous Writ Petition filed by Respondent No.1 bearing No.574/2019 it was admitted by him that he has received said termination order on 06.02.2016 itself and in that view of the matter conduct of the Petitioner was required to be observed strictly by the Court while determining Miscellaneous Application No.11/2019. Learned Advocate for Petitioner may be right in making her submission but the principal grievance of Respondent – teacher remains unresolved. Admittedly statutory appeal No.26/2024 has been filed before the School Tribunal. That is required to be determined on its own merits and consideration. The only issue before me concerns the plea of condonation of delay. Though the order allowing condonation of delay also attempts to border on merits of the main matter, however, insofar as the issue of sufficient cause assigned by the litigant is concerned, the same *prima facie* has been considered by the learned Tribunal to balance equity between the parties for the purpose of condoning the delay. While relying upon the decision in the

case of *Sonerao Sadashivrao Patil & Another vs Godawaribai w/o Laxmansingh Gahirewar*¹ learned forum has come to the conclusion that delay is required to be condoned. That apart while adhering to the guidelines mentioned by the Supreme Court in the case of *Esha Bhattacharjee vs Mg.Commit.Of Raghunathpur Nafar Academy and Ors.*² and additional guidelines framed therein after taking into account a plethora of cases, *inter alia*, pertaining to grant of condonation of delay application, the rational adopted by the learned Tribunal in my opinion appears to be correct.

5. Learned Advocate for Petitioner draws my attention to the latest judgment of Supreme Court in the case of *H. Guruswamy & Ors. Vs. A. Krishnaiah since Deceased by LRs*³, *inter alia*, pertaining to application of sufficient cause for considering the law of limitation. In the case which has been placed before me there was delay of 6 years in the facts of that case for recall of the order and Supreme Court for the reasons stated therein came to said decision. Such is not the case before me. The Respondent before me is a School teacher and admittedly the interregnum period of almost 3 years was spent by him in litigating and filing the Writ Petition to which the management institution was also a party. In that view of the matter request made by the learned Advocate for Petitioner cannot be allowed.

1 1999 (2) MhLJ 272 decided on 23 March, 1999.

2 (2013) 12 SCC 649

3 2025 2 BLJ (SC) 69

6. In that view of the matter order dated 27.06.2024 does not call for any interference, it being a cogent and reasonable order and is upheld and confirmed. Resultantly, Writ Petition fails.

7. Needless to state that in order to ameliorate the ignominy of the parties, I direct the School Tribunal to determine and decide Appeal No.26/2024 as expeditiously as possible and in any event within a period of 6 months from today strictly in accordance with law.

8. Needless to state that Tribunal shall not be influenced by any of the observations and findings made in the impugned order as also this order while determining the Appeal proceedings.

9. Writ Petition is disposed in the above terms.

[MILIND N. JADHAV, J.]