

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

WRIT PETITION NO.18737 OF 2024

Mustaf Dhulaso Manure

....Petitioner

V/S

Ramlingeshwar Samaj Seva Mandal & Ors.

....Respondents

Mr. Prashant R. Suryawanshi i/b Mr. Gajanan M. Savagave
for the Petitioner.

Ms. V.S. Nimbalkar, AGP *for Respondent No.3 / State.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 29 JANUARY 2025.**

P.C.:

1. By this Petition, Petitioner challenges order dated 14 October 2024 passed by the learned Presiding Officer, School Tribunal, Solapur in Miscellaneous Application No.55 of 2023 for condonation of delay in filing appeal challenging the termination order dated 3 February 2020.

2. I have heard Mr. Suryawanshi, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by him.

3. Petitioner alleges that his services were orally terminated on 3 February 2020. He filed appeal alongwith application for

condonation of delay on 26 October 2023 after delay of 3 years 7 months and 23 days. The only explanation pleaded in the application for condonation of delay is to be found in paragraph 7 of the application, which reads thus:

“(७) मार्च २०२० नंतर संपूर्ण भारतात कोविड-१९ या सांसर्गिक रोगाचा प्रादुर्भाव वाढत गेल्याने लॉकडाऊन घोषित करण्यात आले व बाहेर हिंडण्या-फिरण्यावर प्रतिबंध होता, तसेच अर्जदार यांनी त्यांना कामावर घेण्याकरिता सामनेवाले नं. १ ते ३ यांचेकडे वेळोवेळी व नियमितपणे पाठपुरावा केला, त्यामुळे विहीत मुदतीत अर्जदार यांना सदरहू तोंडी आदेशाविरुद्ध अपील दाखल करता आले नाही. त्याचप्रमाणे अर्जदार यांनी सामनेवाले व शिक्षणाधिकारी यांच्याकडे माहिती अधिकारात अर्ज केले, परंतु सामनेवाले नं. २ यांनी उडवाउडवीचे उत्तर देऊन माहिती दिली नाही. अर्जदार हे मागणी करीत असलेली कागदपत्रे द्यावी, असा आदेश सामनेवाले नं. ३ यांनी सामनेवाले नं. २ यांना केलेला आहे. परंतु अद्यापही सामनेवाले नं. २ यांनी जाणीवपूर्वक माहिती दिलेली नाही. त्याचप्रमाणे सेवा समाप्तीचे आदेशाविरुद्ध या मा.न्यायाधिकरणामध्ये किती मुदतीत दाद मागावी, याबद्दल देखील माहिती, ज्ञान अर्जदारास नसल्यानेही मुदतीत दाद मागता आली नाही.”

4. Beyond citing the pretext of Covid-19 pandemic Petitioner has not pleaded any specific ground for condonation of inordinate delay of 3 years, 7 months and 23 days. All the restrictions relating to Covid-19 pandemic were lifted and the suspension of period of limitation came to an end on 28 February 2022. However even after lifting of the pandemic restrictions, Petitioner did not file appeal for over one year and eight months without any justification. In my view, no justifiable cause was

made out by the Petitioner before the Tribunal for condonation of delay of 3 years, 7 months and 23 days. It must be borne in my mind that the period of limitation prescribed under section 9 of the Maharashtra Employees of Private Schools (Conditions of Services) Regulation Act, 1977 is only 30 days. Therefore, adequate justification was required to be pleaded especially in the light of the fact that the delay was inordinate. I am therefore, not inclined to interfere in the order passed by the Tribunal. Writ Petition is accordingly **rejected**.

(SANDEEP V. MARNE, J.)

SUDARSHAN
RAJALINGAM
KATKAM

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by SUDARSHAN
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