

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

WRIT PETITION NO. 6060 OF 2025

Kalwan Education Society through Chairman
Raosaheb Amruta Shinde & Anr. ... Petitioners
Versus
State of Maharashtra & Ors. ... Respondents

Mr. Anil A. Kupade for the Petitioners.
Mr. P. G. Sawant, AGP for Respondent Nos.1 to 3.

**CORAM: MANISH PITALE, J.
DATE : 12th JUNE 2025**

P.C. :

- . Heard learned counsel for the petitioners.
2. By this petition, the petitioners have challenged order dated 27th February 2025 passed by the School Tribunal, Nashik, whereby an application seeking condonation of delay in filing appeal on behalf of the respondent No.2 has been condoned.
3. The learned counsel for the petitioners submits that the Tribunal committed a grave error in referring to the merits of the matter, while deciding such application for condonation of delay and that appropriate findings on the sufficiency of cause for condoning delay were not rendered. It was submitted that this is against the settled position of law and therefore, this Court may consider setting aside the impugned order.

4. With the assistance of the learned counsel for the petitioner, this Court has perused the impugned order passed by the Tribunal. The said order indeed indicates that the Tribunal referred to the chronology of events in detail and at some places, may have even referred to the contentions that would be raised by respondent No.2 in her challenge to the termination of her service. But, after referring to such aspects of the matter, the Tribunal has specifically stated that the same cannot be decided at that stage. This demonstrates that the Tribunal was conscious of the fact that it was considering an application for condonation of delay and in that process, the merits of the matter could not be touched upon.

5. A perusal of paragraphs 9 to 11 of the impugned order shows that the Tribunal referred to the fact that there was matrimonial dispute between the respondent No.2 and her husband and thereupon, the Tribunal referred to a judgment of this Court, which laid down the law with regard to the manner in which the judicial power and discretion is to be exercised, while considering such applications for condonation of delay and as to what could be said to be “sufficient cause”. After applying the said position of law, in paragraph 11 of the impugned order, the Tribunal found that the application filed by the respondent No.2 deserved to be granted.

6. The petitioner could not dispute the fact that a divorce proceeding was indeed filed between the respondent No.2 and her husband and that a proceeding under the Protection of Women

from Domestic Violence Act, 2005, was also initiated. This does indicate the mindset of the respondent No.2, when she was faced with the termination of her service. These aspects were taken into considered by the Tribunal, while passing the impugned order and condoning delay in filing the appeal.

7. All that the petitioners are required to face as a consequence of the impugned order is a contest on merits against the respondent No.2 (employee).

8. No case is made out for exercising writ jurisdiction.

9. The writ petition is dismissed.

MANISH PITALE, J.