

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.6822 OF 2024
WITH
INTERIM APPLICATION NO.13377 OF 2025
IN
WRIT PETITION NO.6822 OF 2024**

Manjushree Sanjay Telang Versus Camp Education Society Through Its Executive Secretary & Ors.	Petitioner/Applicant Respondents
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Mr. R.K. Mendarkar, for Petitioner.

Ms Anita Agarwal, for Respondent No.1.

Mr. P.J. Gavhane, AGP for Respondent Nos.3 to 5.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : DECEMBER 01, 2025

ORDER :

1. Rule. Rule is made returnable forthwith by consent of the parties and the Petition is heard finally.
2. The challenge in this Petition is to a Judgement dated October 19, 2007 passed by the Learned School Tribunal, Pune in Appeal No.49 of 1992. This Petition has been filed in November 2023. At the threshold, Learned AGP points out that this Petition is hopelessly hit by delay and laches and that the Petitioner must be asked to explain the

basis on which the approach to this Court has been made with such an inordinate delay.

3. Towards this end, Learned Counsel for the Petitioner has made various attempts to justify the delay, which he primarily attributes to negligence on the part of the earlier advocate and withdrawal by the earlier advocate.

4. Be that as it may, it is seen from a perusal of the record, which I have examined with the assistance of the Learned Advocates, that the disputes originated with the Learned Tahsildar and Executive Magistrate passing an order on June 13, 1986 cancelling the caste certificate of the Petitioner's father, the Petitioner's brother and the Petitioner herself. That cancellation came to be challenged in a Writ Petition before this Court, which was disposed of by a remand, directing that an opportunity of being heard should be given and only thereafter a decision should be taken. This led to an Order dated November 27, 1990 being passed by the Learned District Collector.

5. It is the case of the Petitioner that the Order dated November 27, 1990 cancelled only the caste certificate of the Petitioner's father and not of the Petitioner. Further, she would contend that the Order dated June 13, 1986, which had already been set aside, continued to be referred to in the proceedings conducted by the Learned Collector as also in an Order dated September 27, 1993, by which a Learned Civil

Judge who dealt with the matter in Civil Suit No.482 of 1991 returned the plaint. She would submit that all along, reliance has been placed on an Order that has already been set aside in the earlier round.

6. The Order dated November 27, 1990 was also challenged by the Petitioner's father in Writ Petition No.5581 of 1990. A plain perusal of the order passed in that Petition would show that the Petitioner herself was a Petitioner in the aforesaid Writ Petition and that Petition came to be dismissed. The dismissal of that Petition was not carried higher and instead the Petitioner's father filed Civil Suit No.482 of 1991.

7. With the aforesaid factual matrix, I am not satisfied that the extraordinary jurisdiction of this Court must be exercised for any interference when the approach to this Court has been with such an inordinate delay.

8. Learned Advocate for the Petitioner seeks to rely on several judgments of the Supreme Court and other High Courts such as:

1. Sheo Raj Singh (Deceased) Vs. Union of India & Anr., Civil Appeal No.5867 of 2015 of the Supreme Court of India.
2. Tukaram Kana Joshi & Ors. Thr. Power of Attorney Holder Vs. M.I.D.C. & Ors., Civil Appeal No.7780 of 2012 of the Supreme Court of India.
3. Mool Chandra V/s. Union of India & Anr., Civil Appeal Nos.8435-8436 of 2024 of the Supreme Court of India.

4. Rajive Nandan Mourya, Son of Late Thakur Prasad V/s. The State of Bihar & Ors., Letters Patent Appeal No.643 of 2021 of the High Court of Patna.

5. Manjunath V/s. State of Karnataka & Ors., Criminal Petition No.201203 of 2020 of the High Court of Karnataka.

6. Mr. Rafiq & Anr. Vs. Munshilal & Anr. (1981 AIR 1400), of the Supreme Court of India.

9. These judgements are not of much use to the Petitioner inasmuch as the delay in such cases were condoned primarily in cases of land acquisition where poor farmers and other land losers were involved or where the petitioners were not well endowed and resourceful. In contrast, in the facts of this case, the Petitioner, her father and husband have been running an Educational Institution or Camp Education Society along with another family, namely the Talang family. The Petitioner is married to the brother of the Chairman of the society and evidently the disputes are mutual inter-family disputes. The Petitioner is well resourced and she has indeed been involved in contemporaneous litigation. The Petitioner cannot be treated as an uninformed poor person whose absence of resources could weigh with a court for not having ability to get legal advice.

10. In these circumstances, the condonation of delay of nearly two decades is not found fit by me. In these circumstances, the Petition is dismissed on account of inordinate delay and the extraordinary

jurisdiction of this Court is not worth being expended on a matter of this nature.

11. Needless to say, should any other rights be available in law, the Petitioner would be at liberty to pursue the same, since this Petition is dismissed solely on the ground of delay without any comment on the merits.

12. The Petition is hereby *finally disposed of*.

13. In view of disposal of the main Petition, nothing survives in the Interim Application therein and the same is also disposed of accordingly.

14. Rule stands discharged in the aforesaid terms.

15. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]