



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 13364 OF 2024

**TUKARAM GULABRAO MORE
VERSUS
THE DEPUTY DIRECTOR EDUCATION AND OTHERS**

...
Mr. V. S. Panpatte and Mr. A. N. Nagargoje, Advocate for the
Petitioner.

Mr. S. D. Ghayal, AGP for Respondents-State.

...
AND
WRIT PETITION NO. 13419 OF 2024

**BALAJI PIRAJI GAWALE
VERSUS
THE DEPUTY DIRECTOR EDUCATION LATUR REGION AND
OTHERS**

...
Mr. V. S. Panpatte and Mr. A. N. Nagargoje, Advocate for the
Petitioner.

Mr. S. R. Yadav-Lonikar, AGP for Respondents-State.

...
AND
WRIT PETITION NO. 13421 OF 2024

**ANAND KHANDOJI MADDEWAD
VERSUS
THE DEPUTY DIRECTOR OF EDUCATION AND OTHERS**

...
Mr. V. S. Panpatte and Mr. A. N. Nagargoje, Advocate for the
Petitioner.

Mr. S. N. Kendre, AGP for Respondents-State.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 23rd JANUARY, 2026.

P.C.:-

1. The petitioners takes exception to order dated 10.09.2024 passed by Presiding Officer, School Tribunal, Latur, thereby their applications to condone delay caused in filing Appeals have been rejected.

2. The petitioners were appointed in respondent no.4-School run by respondent no.3-Management. While petitioners were working in school, some disputes arose regarding appointment of Headmaster. The petitioners were harassed and served with show cause notices. Later on, salary was stopped and hindrances were created in discharge of duties. The petitioners approached Education Authorities complaining atrocities of management. The Education Officer took cognizance of complaints made by petitioners and similarly situated employees and directed respondent/management to desist from illegal activities against employees.

3. By communication dated 25.11.2022 Education Officer, Zilla Parishad, Nanded directed Headmaster of school to continue services of petitioners, else serious action would be taken against school management. Similar directions were issued by further communication dated 06.12.2022. On 17.03.2023, Education Officer directed petitioners to approach School Tribunal, since management was asserting case of termination. The petitioners approached Deputy Director of Education, Latur impugning directions given by Education Officer. However, Deputy Director of Education affirmed view of Education Officer and left petitioners with remedy to approach School Tribunal. Eventually, petitioners filed Appeal before School Tribunal assailing otherwise termination

alongwith applications to condone delay. The Presiding Officer, School Tribunal rejected petitioners' applications. Eventually, dismissed Appeal.

4. The notice of these writ petitions was issued to respondents by order dated 09.12.2024. The notices were duly served upon respondent nos.3 and 4. Again on 17.07.2025 fresh notices were issued to respondent nos.3 and 4 indicating that petitions would be heard finally at the stage of admission. The fresh notices are also served upon respondent nos.3 and 4, however, none appears for them.

5. Mr. Nagargoje, learned Advocate appearing for petitioners would submit that Tribunal had adopted hyper technical approach while dealing with applications seeking condonation of delay caused in filing Appeals. He would submit that on 09.11.2022, Management communicated petitioners that in view of their unauthorized absence without leave, they are deemed to have abandoned their services. The aforesaid communication was taken as cause of action for approaching Education Officer and, ultimately, School Tribunal. He would, therefore, urge that petitioners were consistently representing against illegal termination before various authorities and in light ultimate direction given by Education Officer as well as Deputy Director of Education, petitioners approached School Tribunal. Therefore,

delay in filing Appeals was unintentional and technical, that ought to have been condoned.

6. Per contra, learned AGPs appearing for respondent nos.1 and 2 in respective matters supports impugned order.

7. Having considered submissions advanced by learned Advocates appearing for respective parties and on perusal of impugned order, it can be observed that School Tribunal was of view that petitioners have not diligently approached Tribunal, although they had knowledge of termination of their services and instead continued their agitation and representations before incompetent forum. The School Tribunal has further observed that petitioners unnecessarily made correspondence with Education Officer, although they were aware about remedy before School Tribunal.

8. It appears that, petitioners were appointed on establishment of respondent no.4 by following due process of law. They were qualified person to hold post. Their services were approved by competent authority. However, due to dispute in management, they were prevented from discharging their duties. The record shows that at least till 2021 they were paid salary. The management has taken stand that, since 2017, petitioners have abandoned their services. However, such contention appears to be

inconsistent with record. It is discernible that petitioners took cause of action dated 09.11.2022 for filing Appeals, since respondent–management had specifically conveyed to them that their services were deemed to have been abandoned.

9. In that view of matter, if petitioners made continuous follow up with Education Officer and higher authorities for redressal of grievance against management and ultimately, were constrained to file Appeals on communication of deemed termination of services, pragmatic view of matter ought to have been taken by Tribunal. The delay of 374 days caused in filing Appeals is duly explained in light of continuous correspondence made by petitioners with competent authorities.

10. In that view of matter, this Court finds that Tribunal failed to exercise jurisdiction in judicious manner. Hence, Writ Petitions stand allowed in terms of prayer Clauses (C) and (D).

(S. G. CHAPALGAONKAR)
JUDGE