



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

WRIT PETITION NO.13366 OF 2024

The Local Executive Committee,
P.B. Bagal College,
Through its Chairman,
Dr. Hemant Deshmukh,
Age years, Occ. Agri.
R/o. Dondaicha, Tq. Shindkheda,
Dist. Dhule.

..Petitioner
(Ori. Respondent No.2)

Versus

1. Pradip S/o. Bhujangrao Shinde,
Age 42 years, Occ. Service,
R/o Plot No.14, Vasudhanagar,
Dondaicha, Tq. Shindkheda,
Dist. Dhule. (Ori. Applicant)
2. Shri Shivaji Vidyaprasarak Sanstha
Through the Secretary,
Central Office, Tq. & Dist. Dhule.
3. P. B. Bagal College of Arts and Commerce,
Dondaicha, through Principal,
Dondicha, Tq. Sindhkheda,
Dist. Dhule.
4. Joint Director of Higher Education,
Jalgaon Division, Jalgaon,
Tq. & Dist. Jalgaon. ..Respondents
(Ori. Resp. No.1, 3 and 4)

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Mr. S. S. Jangada and Mr. Ashish P. Deshmukh, Advocate for
Petitioner.

Mr. D. A. Mane, Advocate for Respondent No.1.
Respondent Nos.2, 3 and 4 are served.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 08th JANUARY, 2026.
PRONOUNCED ON : 21st JANUARY, 2026.

JUDGMENT:-

1. Rule. Rule made returnable forthwith. By consent of parties, matter is taken up for final hearing at the admission stage.
2. The present Writ petition takes exception to order dated 23.08.2024 passed by University and College Tribunal, Aurangabad in Miscellaneous Application (delay) No.KBCNMU-3 of 2024, whereby application seeking delay condonation filed by respondent no.1 in Appeal filed before Tribunal has been allowed.
3. The respondent no.1 filed Appeal alongwith Miscellaneous Application seeking condonation of delay before University and College Tribunal. It is contention of respondent no.1 that in June 2010, petitioner published advertisement inviting applications for vacant posts on establishment of P. B. Bagal College of Arts and Commerce, Dondaicha. The respondent no.1 was appointed in pursuance to said advertisement vide appointment order dated 12.07.2010 issued by petitioner. The proposal for approval to his appointment was forwarded to University. However, due to dispute between management, it could not be persuaded. The respondent no.1 continued to discharge his duties without salary awaiting approval to be granted to his appointment.
4. Meanwhile, petitioner had filed Writ Petition No.7631/2012 seeking direction for grant of approval. The petitioner also filed

Writ Petition for redressal of his grievance. However, since then he was harassed by petitioner. Since 22.07.2019, respondent no.1's name came to be removed from muster roll. However, he was allowed to discharge his duties, but he was persuaded with illegal demand for continuation of his service. Finally, since June 2021 another employee was shown to have been promoted on post held by respondent no.1.

5. It is further contention of respondent no.1 that petitioner/Chairman is active member of national level political party and exerts his influence. He is also Chairperson of various banking and non-banking institutions. He was Member of Legislative Assembly and State Minister. The respondent no.1 was under continuous threat, as his wife is also employed in Institution supervised by Chairman of petitioner. As such, due to continuous threat, petitioner could not dare to file Appeal against deemed termination within limitation.

6. The petitioner opposed to condone delay contending that there no sufficient cause is made out to condone inordinate delay.

7. The University and College Tribunal, Aurangabad after considering rival submissions allowed Miscellaneous Application vide order dated 23.08.2024 and condoned delay of about 23 months caused in preferring Appeal against "otherwise

termination” of respondent no.1 from post of Office Superintendent with respondent no.3-College.

8. Mr. S. S. Jangada, learned Advocate appearing for petitioner vehemently submits that in absence of reasons explaining inordinate delay, Tribunal could not have condoned same. According to him, in light of law laid down by Supreme Court in case of *Union of India & Anr. Vs. Jahangir Byramji Jeejeebhoy (D) Through His Lr.*¹ and this Court in case of *Mathuradas Mohota College of Science, Manager Vs. R. T. Borkar and Ors.*², inordinate unexplained delay cannot be condoned.

9. Per contra, Mr. D. A. Mane, learned Advocate appearing for respondent no.1 supports impugned order.

10. On perusal of reasons employed in application for condonation of delay, it can be observed that respondent no.1 filed Appeal on the basis of two cause of action. Firstly, 22.07.2019 since when his name was removed from muster roll and secondly, June 2021 since when another employee was promoted on his post. As such, there was otherwise termination of respondent no.1. It appears that, there was delay of about 1617 days in filing Appeal in terms of Section 59 of Maharashtra Universities Act before

¹ 2024 AIR SC 1884.

² 1997 (2) Mh.L.J. 168.

Tribunal. The gist of reasons supplied seeking condonation of delay is that Chairman of petitioner is politically influential person. He was holding post of Law Minister under State of Maharashtra. The wife of respondent no.1 is also employed in Institution controlled by Chairman of petitioner. The respondent no.1 was allowed to work till 2021, but later on he has been deemed to be terminated.

11. The University and College Tribunal passed elaborate order after considering reasons employed by respondent no.1 in his application, so also affidavit-in-reply filed on behalf of petitioner. The Tribunal observed that period from 15.03.2020 till 28.02.2022 shall be excluded for purpose of limitation in view of Covid Pandemic situation and directions issued by Supreme Court in *Suo Motu Writ Petition (C) No.3/2020*. So far as balance period of delay of about 700 days, Tribunal took pragmatic view of matter and accepted contention of respondent no.1 that petitioner is an influential person and respondent no.1 succumbed to threat and mental pressure exerted by petitioner. Pertinently, reference is given to two FIRs registered with Dondaicha Police Station, which depicts that Chairman of petitioner exerted pressure upon employees and other persons from locality.

12. This Court do not find any reason to interfere in discretion exercised by University and College Tribunal in condoning delay of

about 23 months. Pertinently, before otherwise termination of respondent no.1, he had rendered services of about 9 years. The issue of grant of approval to his appointment was deferred due to dispute between management.

13. In this background, this Court do not find any reason to invoke jurisdiction under Article 227 of Constitution of India to disturb order impugned passed by Tribunal giving adequate reasons.

14. In result, Writ Petition stands dismissed.

15. Rule stands discharged.

(S. G. CHAPALGAONKAR)
JUDGE