

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11182 OF 2025

Siddharam Bhaktaraj Doddamanni

VERSUS

The President Netaji Vidyavikas Mandal And Ors

...

Mr. Akshay Jagtap a/w Mr. Irfan Patil, Advocate for Petitioner

Mr. Suryajeet P. Chavan, advocate for respondent no. 1

Mr. A. P. Vanarase, AGP for Respondent-State

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 10th APRIL, 2026.

P. C. :

1. Heard. Rule. Rule made returnable forthwith. By consent of the parties, petition is decided at the admission stage.

2. The Petitioner raises an exception to the impugned Judgment and Order rendered by the School Tribunal, Solapur in Misc. Application No. 04/2024, refusing to condone the delay of 1 year, 2 months and 10 days.

3. The Petitioner, an Assistant Teacher employed with the school run by Respondent Nos. 1 and 2, an educational management registered under the Bombay Public Trust Act, 1950, served the

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institution since his appointment on 19.06.1995, which was duly approved on 04.03.1996. He rendered continuous and unblemished service for more than 27 years.

4. In 2020, upon the vacancy of the post of Headmaster, the Petitioner, being the senior-most eligible teacher after waiver by another senior teacher, asserted claim on the said post. However, the Management appointed a junior teacher, allegedly ignoring the Petitioner's seniority. Aggrieved, the Petitioner made representations and subsequently challenged the seniority and appointment before the School Tribunal.

5. Thereafter, the Respondent Management initiated disciplinary proceedings against the Petitioner on the basis of allegations, which the Petitioner contends were false, belated, and retaliatory in nature. An inquiry was conducted, culminating in a report dated 31.10.2022, allegedly without adhering to principles of natural justice vis-a-vis statutory Rules.

6. Subsequently, the Petitioner withdrew his earlier Appeal No. 35 of 2022 before the Tribunal under alleged pressure by the Management. Thereafter, his services were terminated by order

dated 10.11.2022, which was served on Petitioner at belated juncture.

7. The Petitioner contends that the termination was illegal, arbitrary, and effected without due process levelling the allegations pertaining to the academic year 2015-2016, in absence of any adverse remark in service book as contemplated in Rule 15, therefore, services of Petitioner will have to be regarded as unblemished. He further alleges that the Management misled him with assurances regarding back wages and pensionary benefits, and obtained an undertaking restraining him from challenging the termination.

8. The Petitioner thereafter filed an appeal challenging the termination along with an application for condonation of delay. However, by order dated 04.10.2024, the School Tribunal rejected the application for condonation of delay and consequently dismissed the appeal.

9. Aggrieved by the said order, the Petitioner has approached this Court invoking writ jurisdiction under Articles 226 and 227 of the Constitution of India.

10. In the backdrop of the aforesaid facts, learned counsel for the Petitioner submits that the Petitioner was prevented from approaching the Tribunal and necessary explanation was offered in that regard. However, the same was not considered in letter and its proper perspective.

11. *Per contra*, learned counsel for Respondents supported the order submitting that the Petitioner has consciously chosen not to approach the Court and kept on changing the stand with regard to voluntary retirement from service or alleged termination which disentitles the Petitioner to seek any relief, much less the relief as prayed in the application which is rightly decided by the Tribunal, while dismissing his application.

12. Upon hearing both sides and on perusal the material on record, it is matter of record that the Petitioner has rendered services for 27 long years with the Petitioner-management and after the dismissal, the Petitioner has approached to the School Tribunal. Undoubtedly, there is delay in approaching the Tribunal. When technicalities are pitted against the substantial justice, it will be the substantial justice shall prevail.

13. Apart from same, the record sufficiently indicates that the management has kept on changing its stand in relation to the termination. At times, employee was indicated to have opted for voluntary retirement and then the order of relieving the Petitioner from services is indicated. Given such uncertainties, the employee was sufficiently prevented from approaching the Tribunal.

14. In that view of the matter, I am of the considered view that the Tribunal has erred in declining to condone the delay which otherwise should have been condoned.

15. Resultantly, the Writ Petition is allowed. The impugned Judgment and Order rendered by the School Tribunal, Solapur in Misc. Application No. 04/2024 is hereby quashed and set aside.

16. The School Tribunal shall consider the Appeal on its own merits, preferably within period of 6 months from today.

17. Rule is made absolute in above terms.

[SACHIN S. DESHMUKH, J.]