

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

WRIT PETITION NO. 602 OF 2026

President And Secretary Shri
Bramhagayatri Shikshan
Prasarak And Anr.

.....Petitioners

VERSUS

Rajhans Shahaji Kamble And Anr.

.....Respondents

Mr. Ashok B. Tajane a/w Ms. Ashvini M., for Petitioners.

Mr. Ajit V. Alange, for Respondent No.1.

Mr. J. P. Patil, AGP, for Respondent – State.

CORAM : NITIN B. SURYAWANSHI, J.
DATE : 4th FEBRUARY, 2026.

P.C.

1. This petition filed under Article 227 of the Constitution of India challenges the order dated 7th November, 2025 below Exhibit-1 in Misc. Civil Application No.5 of 2025 passed by the learned Presiding Officer, School Tribunal, Solapur thereby condoning the delay of two years, five months, and seven days in filing the appeal.

2. Heard learned advocate for the Petitioners, learned AGP for the State and learned advocate for the Respondent No.1. Perused the grounds raised in the writ petition, memo, annexures, and the impugned order.

3. Learned advocate for the Petitioners strenuously contended that no sufficient ground is made out by the Respondent No.1 in the

delay condonation application. In terms of the settled legal position by the Hon'ble Apex Court, sufficient ground has to be made out in the application and no supporting documents are filed on record by Respondent No.1 for condonation of delay. The Tribunal has failed to consider these aspects, the impugned judgment is therefore liable to be quashed and set aside.

4. Learned AGP and learned advocate for the Respondent No.1 supported the impugned order.

5. Perusal of the impugned order reveals that the Respondent No.1 has raised a grievance that in spite of directions of the Education Officer, dated 28th July, 2022, the Petitioner has not considered his case for transfer and was pursuing the authorities regarding his transfer from unaided post to aided post, and therefore, he could not file the appeal in time. In support of the said contention, documents are produced by Respondent No.1 at Exhibit-25. The Tribunal has found these grounds sufficient to condone the delay.

6. It is well settled that liberal approach has to be adopted while condoning the delay. Even otherwise, fair opportunity needs to be given to Respondent No.1 to challenge the termination order on merits.

7. The Tribunal has rightly exercised discretion in favour of Respondent No.1 which is not liable to be interfered with the extraordinary writ jurisdiction.
8. Learned advocate for the Petitioner relied on Judgment.
9. Writ Petition being devoid of merit is dismissed.

(NITIN B. SURYAWANSHI, J.)