

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9141 OF 2024

Milind Chandrakant Murkar

...Petitioner

Versus

Vasantdada Patil Pratisthan Throu. Its Chairman /
Sec And Ors

...Respondents

WITH

WRIT PETITION NO. 9133 OF 2024

Ms. Trupti Chavan, *for the Petitioner.*

Mr. Shailesh S. Pathak, *a/w T.R. Yadav, for Respondent Nos.1 & 2.*

Mr. P.V. Nelson Rajaj, AGP *for Respondent-State in WP/9141/24.*

Smt. V. R. Raje, AGP *for Respondent-State in WP/9133/24.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : March 23, 2026

ORDER :

1. The short issue that falls for consideration is whether the Impugned Order rejecting condonation of delay sought by the Petitioner in the captioned Petitions was rightly passed by the Learned University and College Tribunal, Mumbai.

2. Learned Advocate for the Petitioner has taken me through the record. It is seen that the Petitioners are engaged as Clerks on a permanent basis with Respondent No.1. It is apparent that the

Petitioners have been struggling to obtain copies of the requisite documents and are also unaware as to how precisely they need to go about challenging their termination. Learned Advocate for Respondent Nos.1 and 2 has vehemently defended the order, submitting that sufficient cause for condonation of delay has not been shown.

3. The perusal of the Impugned Order would indicate that it contains an unexceptionable outline of the law governing condonation of delay. However, considering that the period of delay is 106 days in the case of Milind Chandrakant Murkar and 90 days in the case of Nitin Vilas Shinde, and also taking into account the observations by the Learned Tribunal that the delay is neither very huge nor very short, in the interest of justice, considering that the documents sought by one of the Petitioners had not been made available even at the time of filing of the Appeal, I am satisfied that a case has been made out, without any comment on the merits of the case, that the delay could be condoned.

4. As rightly observed in paragraph 16 of the Impugned Order, if a cause for condonation of delay exists, it must be liberally construed and a liberal approach must be taken. While it is correct that ignorance of law is no excuse, in the peculiar facts of the case, considering the positions in which the Petitioners were carrying out their services with

Respondent No.1, it would be in the interest of justice to condone the delay. This approach is adopted since the documents relating to their termination ought to have been made available to the Petitioners by Respondent No.1 in any case, in the interest of transparency, but it appears that the Petitioners have had to run from pillar to post to collect the documents and also demonstrate the relevance of the documents and their bearing on their statutory right to file the Appeals.

5. The merits of the matter cannot be gone into, which too has been correctly identified in the Impugned Order. At this stage, without any opinion being expressed on the merits of the matter, purely to enable the statutory right to Appeal not being lost to the Petitioners, the Impugned Order is set aside, with the delay being condoned, giving the Petitioners liberty to move the Learned Tribunal for consideration of their Appeal on merits.

6. Both the captioned Petitions are *finally disposed of* in the aforesaid terms.

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.]