



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 4103 OF 2025

1. Janai Shikshan Prasarak Mandal, Through its President Vasant Rao Chinduji Purke, Age: 69 years, Office at Darda Nagar, Yavatmal, Tah.&Dist.Yavatmal.
2. Head Mistress, Jiwan-Deep Primary Ashram School, Kalamb, Tah. Kalamb, District Yavatmal.

PETITIONERS

VERSUS

1. Avinash Kisanrao Todase, Age: 31 years, R/o Potgawahan, Tah. Kalamb, District-Yavatmal.
2. The Project Officer and Assistant Collector, Integrated Tribal Development Project, Pandharkawada, Tahsil Pandharkawada, District – Yavatmal.

RESPONDENTS

Shri P.A. Kadu, counsel for the petitioners.
Shri V.A. Kothale, counsel for the respondent no.1.
Shri S.C. Joshi, Assistant Government Pleader for the respondent no.2.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : FEBRUARY 16, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioners have challenged the order dated 18.06.2025 passed by the School Tribunal, Amravati (for short, 'the Tribunal') allowing the application for condonation of delay.

3. The respondent no.1, claiming to be an employee of the petitioners on the post of Security Guard, filed an appeal before the Tribunal

challenging his termination dated 02.07.2020 accompanied with an application for condonation of delay. The application was opposed by the petitioners, however by order dated 18.06.2025, the Tribunal condoned the delay and directed registration of the appeal, which is subjected to challenge by way of instant petition.

4. The primary contention canvassed by the counsel for the petitioners is that the order passed by the Tribunal is without considering the contentions canvassed on behalf of the petitioners and the only reason of CORONA could not have been made the basis to condone the delay.

5. The counsel for the respondent no.1 and the learned Assistant Government Pleader for the respondent no.2 have justified the impugned order and prayed for rejection of the petition.

6. A perusal of the impugned order reveals that the Tribunal has given due consideration to the relevant vital aspects which are necessary for deciding the application for condonation of delay. It has to be seen that the employee has put forward the reasons of Pandemic due to CORONA and the fact of submission of his representation dated 11.01.2023 seeking re-appointment as Security Guard. The termination order is dated 02.07.2020 which is undisputedly during the period of National Lockdown on account of Corona Pandemic and it has to be thus noted that the employee who was working as Security Guard at the relevant time was required to face severe hardship on account of his termination.

7. Other reason for condonation of delay about submission of the representation dated 11.01.2023 also demonstrates a genuine and bona fide conduct on the part of the respondent no.1-Employee. In the wake of these reasons, the Tribunal has given due consideration to the relevant aspects and condoned the delay in filing the appeal. It has also to be noted that the rejection of the application for condonation of delay would have resulted in gross miscarriage of justice to the employee as he would have been non-suited, as rightly observed by the Tribunal.

8. On perusal of the application for condonation of delay, the reply filed by the petitioners and the order passed by the trial Court, I do not find any perversity with the impugned order. Moreover, once the Tribunal has accepted the explanation as sufficient which is a positive exercise of discretion, there is no necessity to disturb the said conclusion since there is no arbitrariness or perversity. Hence, no interference is warranted under Article 227 of the Constitution of India. The writ petition is accordingly dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)