

**Sou. Nayan Vishwas Gaikwad,**

**Vs.**

**The President/Secretary, Khandala Vibhag Shikshan Samiti  
and others.**

**Order below Exh. 01.**

(Date - 11<sup>th</sup> March 2026)

This is an application filed for condonation of delay of 583 days. Opponent no. 1 to 4 remained absent, hence, application proceeded ex parte against them. However, opponent no. 5 appeared in the matter and filed his say below Exh. 10.

2. According to the applicant, she is an employee of opponent management, without following the due procedure the opponent management had given a promotion of Headmaster to opponent no. 4 on 30.06.2023 and superseded her. Therefore, the applicant wants to file an appeal challenging the order of supersession. It is further contended by the applicant that earlier appeal no. 19/2022 is subjudice before this Tribunal filed against the order of supersession dated 10.10.2022 and challenged the promotion given to opponent no. 4 on the post of Supervisor, therefore, the applicant was under impression that, till decision of appeal no. 19/2022 no order of further supersession required to be challenged. The applicant was in dilemma, therefore, without approaching this Tribunal she had approached to the management and Education Officer frequently. Thus, delay of 583 days was caused to file present appeal against the order of supersession dated 30.06.2023.

2. According to the Education Officer, opponent no. 4 is entered in category 'C' on 13.07.1994 i.e. on entry in service. However, the applicant was appointed on D.Ed. scale on

17.07.1993 and still working on same scale, therefore, her claim of seniority is not tenable, hence, he has prayed to reject the application.

3. Heard Ld. Counsel Mr. Patil at sufficient length, he has reproduced his arguments as per his written pleadings.

4. Section 9 of the MEPS Act lays down the limitation for filing of appeal before the Tribunal in case of termination, dismissal, removal, reduction in rank and other orders passed by the management. Therefore, Sec. 9 of the act reproduces as below;

***“9.Right of appeal to Tribunal to employees of private schools. (1) Notwithstanding anything contained in any law or contract for the time being in force, [any employee in a private school-***

*(a) who is dismissed or removed or whose services are otherwise terminated or who is reduced in rank, by the order passed by the management; or*

*(b) who is superseded by the Management while making an appointment to any post by promotion;*

*and who is aggrieved, shall have a right of appeal and may appeal against any such order or supersession to the Tribunal constituted under section 8]:*

*Provided that, no such appeal shall lie to the Tribunal in any case where the matter has already been decided by a Court of competent jurisdiction or is pending before such Court, on the appointed date or where the order of dismissal, removal, otherwise termination of service or reduction in rank was passed by the Management at any time before the 1st July 1976.*

*(2) Such appeal shall be made by the employee to the Tribunal, within thirty days from the date of receipt by him of the order of dismissal, removal, otherwise termination of service or reduction in rank, as the case may be:*

*Provided that, where such order was made before the appointed date, such appeal may be made within sixty days from the said date.*

*(3) Notwithstanding anything contained in sub-section (2), the Tribunal may, entertain an appeal made to it after the expiry of the said period of thirty or sixty days, as the case may be, if it is satisfied that the appellant has sufficient cause for not preferring the appeal within that period.*

*(4) Every appeal shall be accompanied by a fee of [five hundred]*

*rupees, which shall not be refunded and shall be credited to the Consolidated Fund of the State.”*

5. As per the provisions made in said section, no time limitation is prescribed for supersession as the case of prescribed for termination, removal and dismissal. In such a scenario 30 days for filing of appeal must be calculated from the day of knowledge and not from the day of order.

6. As per the pleading of the applicant present opponent no. 4 was promoted by order dated 10.10.2022 as supervisor against which appeal no. 19/2022 is subjudice before this Tribunal. As the said supersession is challenged the applicant was in dilemma about to file appeal in subsequent order of supersession. Furthermore, by representation dated 12.07.2023, 04.08.2023, 20.09.2023, 28.11.2023, 17.01.2024, 04.03.2024, 02.04.2024, 03.07.2024, 10.12.2024 and 10.02.2025 she had filed several representations before the Education Officer as well as the management to consider her seniority and canceled the order of supersession. The documentary evidence produced alongwith Exh. 3 shows that the applicant was vigilant about her right. As a matter of fact, appeal no. 19/2022 is pending on the cause list of this Tribunal between the same parties. This situations and documents produced on record shows that, there is reason to believe that the delay is not intentional.

7. Considering the objection raised by the Education Officer as regard to entitlement of the applicant. As a matter of fact, the Education Officer in his written say has not disputed the qualification of the applicant required to enter in category 'C' of schedule 'F'. Moreover, his say discloses that, the applicant was appointed on D.Ed. scale, therefore, she is not entitled. However,

as per the contentions of applicant though she is appointed on D.Ed. scale considering her qualification and continuous officiation she is entitled to enter in category 'C' of schedule 'F'. Entry of applicant in category 'C' on basis of continuous officiation and appointment of the applicant on D.Ed. scale goes to the root of the case. Without giving opportunity to both parties the question cannot be decided on merit. If the said question is taken into consideration it would go to the root and would result in the final faith of appeal, which is yet not taken into consideration. Therefore, keeping this question open, I proceed to pass following order.

**ORDER**

1. Application is allowed.
2. The delay of 583 days caused to file an appeal against supersession dated 30.06.2023 is condoned subject to costs of Rs. 2000/-, same be credited to District Legal Services Authority, Kolhapur within 15 days.
3. The appeal be registered as per the rules.

*(Order dictated and pronounced in the open Court )*

Date:- 11<sup>th</sup> March 2026  
Place:-Kolhapur.

(V. N. Dhavle)  
Presiding Officer,  
School Tribunal, Kolhapur.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file of Judgment are word to word, as per the original Judgment.

Stenographer (Higher Grade): Sou. G. C. Chougale.