

MHSS270000072026 	<u>Misc. Application No. 04/2026</u> Shyam Shrikrushna Chede -Vs- 1. Shikshan Prasarak Mandal, Akot and others
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ORDER PASSED BELOW EXH.-1

(Passed on 13.08.2026)

1] This is an application filed by the applicant for condonation of delay.

2] According to the applicant, non-applicant Nos. 1 and 2 appointed him as Junior Clerk since 02.06.2012 in non-applicant No.2 school. Non-applicant No.2 proposal for approval to appointment of the applicant in 2018 before non-applicant No. 3. However, order of appointment was not supplied to the applicant. The applicant remained in continuous service till 13.07.2025. He performed his duty regularly and acquired status of permanent employee. On 14.07.2025 non-applicant No.2 restrained the applicant from signing the daily attendance register. This act of non-applicant No.2 amounts to otherwise termination of the applicant w.e.f. 14.07.2025.

3] The applicant time to time informed the President and Secretary of non-applicant No. 1. They assured to the applicant about his service. Due to their assurance the applicant did not file appeal memo within prescribed time limit of 30 days. Non-applicant Nos.1 and 2 did not supply copy of appointment order to the applicant and all other relevant record relating to work performed by the applicant is in custody of the non-applicants. The applicant filed various applications

dated 17.07.2025, 16.10.2025, 27.11.2025 and 02.12.2025 under Right To Information Act before the non-applicant Nos. 1 and 2 and demanded for true copies of the school record such as proposal submitted for seeking approval in 2018, school leaving certificate, entries relating to bank pass-book for the period from 01 January 2012 to 29 November 2025 etc. However, non-applicant Nos. 1 and 2 did not supply the copies of school record till the date. Therefore, the applicant could not file appeal memo within 30 days. Therefore, delay of 5 months and 22 days occurred. If the delay is not condoned the applicant will be thrown out of employment and will be rendered remediless. Hence the application.

4] Non-applicant Nos. 1 and 2 filed their reply at Exh.11 and opposed the application. Non-applicant Nos. 1 and 2 contended that the application is baseless. The applicant has not filed appeal memo as well as documents relied by him along with delay application. The applicant was never legally appointed in the service. He has not filed documents as to his appointment. There is no approval to the services of the applicant. There is no document on record to point out anything about services rendered by the applicant. The appeal itself not tenable therefore this application cannot be adjudicated. The delay is not properly explained by the applicant. The contents in the application are hypothetical and does not constitute any logical justified reason to condone the delay. There exists no order of appointment and approval, the same cannot be supplied to the applicant. The applicant has failed to create ground for condonation huge delay of 172 days is cannot be condoned in casual manner. Hence, they prayed to reject the application.

5] The Deputy Director of Education, i.e. non-applicant No. 3 failed to appear before this Tribunal despite of due service of notice. Therefore, the application is proceeded ex-parte against him.

6] Heard learned counsel Shri. U.P. Rajput for the applicant and learned counsel Shri. M.A. Vaishnav for non-applicant Nos. 1 and 2.

7] Considering the rival submissions it appears that it is the contention of non-applicant Nos. 1 and 2 that the present application is not filed along with appeal memo. However, the record shows that present application for condonation of delay is accompanied with appeal memo.

8] The applicant submitted that Non-applicant Nos.1 and 2 did not supply copies of appointment order to the applicant and all other relevant record relating to work performed by the applicant is in custody of the non-applicants. He filed various applications under Right To Information Act before the non-applicant Nos. 1 and 2 and demanded the true copies of the school record such as proposal submitted for seeking approval in 2018, school leaving certificate, entries relating to bank pass-book for the period from 01 January 2012 to 29 November 2025 etc. However, non-applicant Nos. 1 and 2 did not supply the copies of school record till the date. Therefore, the applicant could not file appeal memo within 30 days. Therefore, delay of 5 months and 22 days occurred. After considering above explanation for causing delay to file appeal, I found that said explanation appears to be reasonable and probable.

9] It is the contention of non-applicant Nos. 1 and 2 that the applicant was never appointed in non-applicant No.2 school. Therefore, according to non-applicant Nos. 1 and 2 there is no cause of action to

file appeal. However, issue regarding appointment and termination needs to be considered in the appeal itself and same cannot be entertained at the initial stage of condonation of delay.

10] If the delay is not condoned the applicant would be rendered remediless. The applicant has shown sufficient cause for condonation of delay. Non-applicant Nos. 1 and 2 failed to show any malafide benefits caused to the applicant for causing delay to file the appeal. Therefore, I am of the view that in the interest of justice it is proper to condone the delay. Hence, I pass the following order.

: ORDER :

- 1) The application is allowed.
- 2) The delay in filing the appeal is hereby condoned.
- 3) Parties shall bear their own costs.
- 4) The appeal memo which is accompanied with the present application be registered after payment of necessary fees.
- 5) The applicant is directed to deposit necessary fees as per Section 9(4) of the M.E.P.S. Act within 15 days from the date of passing this order.
- 6) True copy of Exh.1 and this order passed below it be kept on record of newly registered appeal for information.

Amravati
Date :13.08.2026

(Rohini J. Pande)
Presiding Officer,
School Tribunal, Amravati.