

This appeal arises out of judgment and order of the High Court of Judicature at Bombay in Writ Petition No. 14384 of 2018 dated 04.03.2019 in and by which the High Court has set aside the order of the School Tribunal and declining to condone the delay in filing the petition before the School Tribunal.

Brief facts are that the appellant was appointed in the Respondent No. 1 school as a laboratory attendant on a vacant permanent post vide appointment⁸⁰ letter dated 09.10.1998. The appellant's appointment as a laboratory attendant was approved by the Education Officer by Order dated 06.03.1999. According to the appellant, subsequently on 26.09.2011 the appellant was also promoted to the post of junior clerk by Respondent No. 1 school. Appellant's promotion as a junior clerk was also approved by the Education officer by an Order dated 15.10.2012. According to the appellant, there was dispute between two groups of trustees of Respondent No.1 institution. As the appellant ¹⁶⁰was promoted by the previous body of trustees, the 2nd subsequently appointed new body which came to power on 22.11.2013, did not allow him to work and sign the school attendance register with effect from 30.11.2013 which amounts to oral termination. The appellant made various representations to various authorities expressing his grievance and vide letter dated 12.02.2014, the Education Officer directed Respondent No. 1 institution to allow the appellant to join his duties, but despite this order, the respondent institution ²⁴⁰did not allow him to join.

As per the order of the High Court in Writ Petition No. 5758 of 2013 dated 14.01.2015, the Education Officer vide order dated 23.02.2015 granted approval for the promotion of the appellant to the post of junior clerk. Since the Education Officer has granted approval for the promotion of the appellant as junior clerk, the appellant has withdrawn the Writ Petition No. 5758 of 2013.

The respondent institution filed Writ Petition No. 4470 of ³²⁰2015 challenging the order dated 23.02.2015 passed by the Education Officer granting approval for the promotion of the appellant. Thereafter, the appellant requested the respondent institution by various representations to permit him to work as Laboratory Attendant but despite the same, the appellant was not allowed to work. By the order dated 02.05.2016, the High Court has set aside the approval granted by the Education Officer on 23.02.2015. Thereafter, the appellant had filed Appeal No. 75 of 2016 challenging the ⁴⁰⁰oral termination dated 30.11.2013 of the post of Laboratory Attendant before the 3rd Presiding Officer, School Tribunal, Kolhapur along with Civil Misc. Application No. 20 of 2016 praying for condonation of delay in filing the same.

During the pendency of the said appeal, the respondent institution vide order dated 13.12.2016 has terminated the service of the appellant from the post of Laboratory Attendant. Being aggrieved by the termination order dated 13.012.2016, on 05.01.2017 the appellant has preferred Appeal No. 01 ⁴⁸⁰of 2017 before the School Tribunal, Kolhapur. ⁴⁸⁷