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WA-1147-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SURESH KUMAR KAIT,  
CHIEF JUSTICE

&amp;

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 13<sup>th</sup> OF MAY, 2025WRIT APPEAL No. 1147 of 2025*ASHOK KUMAR DHURVE**Versus**COLLECTOR AND OTHERS*

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Appearance:

Ms. Namrata Kotecha - Advocate for petitioner.

Dr. .S.S. Chouhan - Government Advocate for respondent/State.  
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ORDER

*Per. Hon'ble Shri Justice Suresh Kumar Kait, Chief Justice*

Issue notice.

1. Learned counsel for the respondents accepts notice and strongly opposes the prayer made by the appellant. It is submitted that the delay has not been properly explained by the appellant, and therefore, the application for condonation of delay as well as the writ appeal deserves to be dismissed.

2. Heard on I.A. No.6895/2025, which is an application for condonation of delay in filing the writ appeal. Considering the averments made in the application and the position that appellant is out of employment since 2018, I.A. No.6895/2025 is allowed and delay is condoned.

3. The appellant, who was working as a teacher, was removed from service vide order dated 20.04.2018. Against the said order, the appellant preferred departmental appeals before the higher authorities, which were dismissed vide



orders dated 22.11.2018 and 29.06.2019. Thereafter, the appellant filed Writ Petition No. 24730/2023, which was dismissed by order dated 03.10.2023 on the ground of delay and laches.

4. Though there was a delay of approximately four years in filing the writ petition, considering that the appellant has been removed from service, we are of the considered opinion looking to position that the appellant was out of employment since long and he sought to challenge the order of termination from service, the matter ought to have been decided on merits. Accordingly, the order dated 03.10.2023 passed in W.P. No. 24730/2023 is set aside.

5. The matter is remanded to the learned Single Judge for decision afresh on merits, after affording an opportunity of hearing to all parties concerned.

6. Let the matter be listed before the learned Single Judge on 17.05.2025.

7. With the aforesaid observations, the writ appeal stands disposed of.

(SURESH KUMAR KAIT)  
CHIEF JUSTICE

(VIVEK JAIN)  
JUDGE

Praveen