

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 12230 OF 2016
IN
WRIT PETITION NO. 6851 OF 2013**

Pushpabai Khobaji Barse and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Shri Amol Chalak, Advocate h/f Shri N. E. Deshmukh, Advocate
for Applicants.

Shri S. Y. Mahajan, A.G.P. for Respondent Nos. 1 to 3.

Smt. Yogita M. Kshirsagar, Advocate for the Respondent No. 4.

Shri R. B. Narwade Patil, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 01ST SEPTEMBER, 2016.

PER COURT :

. This is an application seeking amendment to the memo of writ petition thereby assailing the order of the respondent Nos 1 to 3 to release grant in aid to the respondent No. 5/institution.

2. We have heard Mr. Chalak, the learned counsel for the applicant, the learned Assistant Government Pleader and the learned counsel for respondent Nos. 4 and 5.

3. The present civil application is opposed by the respondent No. 5 on the ground that cause of action is separate.

4. The learned counsel for applicants submits that, the petitioners in the writ petition have challenged the order allowing shifting of the school run by the respondent No. 5 and now the order which is sought to be challenged by way of amendment is an order granting grant-in-aid to the same institution.

5. The writ petition is yet to be admitted. Even otherwise respondents will have every right to controvert the averments sought to be introduced by way of amendment by filing reply.

6. In the light of the above, civil application is allowed in terms of prayer clause "A". Necessary amendment be carried out within a period of fourteen (14) days from today. The civil application is disposed of.

7. The petitioner shall give the amended copy of writ petition to respondents. The respondents shall file reply by the next date to the petition as well as to the amended part. Place the writ petition on 29.09.2016.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]