

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

**904 CIVIL APPLICATION NO.9289 OF 2021
IN WP/11069/2018 WITH WP/11069/2018**

**PORNIMA RAJESH BHOLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicant : Mr. B.R. Waramaa
AGP for Respondent Nos.1 to 3 : Mr. S.B. Yawalkar
Advocate for Respondent Nos.4 & 5 : Mr. V.B. Patil
...

**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 01st OCTOBER, 2021

PER COURT:-

1. By this application, the original petitioner seeks to bring on record the subsequent events that have occurred during the pendency of her petition. Since she joined as a Shikshan Sevak on 23.02.2015, she has now attained the deemed status of an Assistant Teacher having completed the statutory period of three years as a Shikshan Sevak. She, therefore, desires to bring these factors on record so that her cause of action before this Court could be properly addressed.

2. The learned advocate for the management has filed an affidavit in reply opposing the application. It is submitted that since there was a ban on recruitment, the Education Officer has prevented the management for forwarding the proposal of the petitioner for regularization. He, therefore, submits that the amendment need not be permitted.

3. It is settled law that if the proposed amendment has a reasonable nexus with the cause of action raised before the Court and puts forth such factors which need to be considered while deciding the main petition. The petition is yet to be admitted. The amendment could be permitted.

4. Needless to state, if an amendment changes the complete nature of the cause of action, the Court could consider as to whether such proposed amendment should be allowed. In our view, the proposed amendment neither changes the nature of the cause of action, nor is it unconnected with the cause put-forth in the petition.

5. In view of the above, this civil application is allowed. The amendment shall be carried out, on or before 14.10.2021.

6. The respondents are at liberty to enter an additional affidavit in reply in view of the amendment, on or before 22.10.2021.

7. List this petition on 27.10.2021.

(S.G. MEHARE. J.)

(RAVINDRA V. GHUGE, J.)