

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 3116 OF 2021

(Pratibha Shikshan Sanstha & anr. vs. Presiding Officer, School Tribunal and anr.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms. Radhika Raskar, Advocate for petitioner.
Mr. S. D. Sirpurkar, AGP for respondent No.1.

CORAM : MANISH PITALE J.

DATE : 25/08/2021

By this petition, the petitioners have challenged an interlocutory order passed by School Tribunal, Nagpur, dated 01/03/2021, thereby rejecting an application for amendment of written statement filed on behalf of the petitioners. The Tribunal, inter alia, has rejected the application on the ground that there is no provision in the Code of Civil Procedure by which earlier amended pleadings can be permitted to be amended once again. It is also observed that the proposed amendment may change the nature of the proceedings.

2. This Court has perused the written statement filed on behalf of the petitioners before the Tribunal. The apprehension of the petitioners is that

in some places the words “sexual exchange” have been used which they wish to replace with the word “rape”. It is contended that if the proposed amendment is not allowed, the stand of the petitioners may be adversely affected to the extent that the intensity of the misdemeanor of the respondent No.2 may appear to be diluted.

3. This Court has perused the detailed written statement filed on behalf of the petitioners before the Tribunal. It is found that in paragraph 3 of the written statement, the petitioners have pleaded as follows :-

“.....This was a serious breach of discipline that a teachers of the school took advantage of girl student of said school and raped her.”

4. The above quoted portion of the written statement would show that the petitioners have specifically taken a stand regarding alleged rape of the girl student by the respondent No.2. Even if the words “sexual exchange” have been used in other places in the written statement, this Court is of the opinion that the said fact in itself cannot be said to have diluted the stand of the petitioners.

5. Therefore, without going into the details of the challenge raised in the present petition, with the above observations the writ petition is disposed of.

JUDGE