

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

WRIT PETITION NO.14759 OF 2021

RAMESHWAR VINAYAK ATOLE
VERSUS
THE DIRECTOR OF EDUCATION AND OTHERS

...
Mr. Kedar Shrimant R , Advocate for Petitioner
Mr. P. N. Kutti, AGP for Respondent Nos.1 & 2/State
Mr. V. J. Dhage, Advocate for Respondent Nos.3 to 5
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 14th JULY, 2022

ORDER :

1. The challenge in this petition is to the order dated 16.12.2021, passed by the learned Presiding Officer, School Tribunal, Aurangabad, thereby rejecting the amendment application (Exhibit-45), filed by the petitioner.

2. The petitioner challenged his oral termination dated 27.11.2017 by filing Appeal No.37/2017 in School Tribunal, Aurangabad. The petitioner sought relief of reinstatement on the post of Junior Lecturer, with continuity of service, back wages and consequential benefits. The appeal was heard on merit and closed for judgment. At that point of time, the Tribunal asked the management to place on record copy of appointment order of Smt.

Anita Ratanrao Shejwal dated 14-06-2013. The management has placed the said copy on record. Thereafter, the petitioner moved application (Exhibit-45) seeking amendment to challenge the legality, validity and correctness of the said appointment order, thereby seeking amendment in the pleadings and prayer clause. This application is rejected by the Tribunal. Hence, this petition.

3. Heard the learned Advocate for the petitioner, the learned Assistant Government Pleader for respondent nos.1 & 2 and the learned Advocate for respondent nos.3 to 5.

4. It is not disputed that Smt. Anita Ratanrao Shejwal is appointed along with petitioner on 14-06-2013. The subjects of teaching of Smt. Anita Ratanrao Shejwal and the petitioner are not similar. Thus, it is not the case of the petitioner that after his termination, Smt. Anita Ratanrao Shejwal was appointed in his place.

5. The relief sought by the petitioner, by way of amendment, is beyond the purview of Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short 'MEPS Act') .

6. In light of the above aforesaid facts and, as the appeal of the petitioner is heard on merit and is reserved for judgment, this Court

is of the considered view that the appeal of the petitioner can be adjudicated on merit in absence of Smt. Anita Ratanrao Shejwal. The Tribunal is right in rejecting the application for amendment filed by the petitioner, by a well reasoned order.

7. There is no illegality or perversity in the order impugned in the present petition. The petitioner has failed to make out any case to warrant exercise of extraordinary writ jurisdiction. Writ Petition is, therefore, dismissed.

[NITIN B. SURYAWANSHI, J.]

Sameer