

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

**CIVIL APPLICATION (CAW) NO. 240 OF 2022
IN
WRIT PETITION NO. 2022 OF 2020**

Rutesh S/o. Shamrao Lonkar and Others -- Petitioners

Vs.

The State of Maharashtra and Others -- Respondents

Mr. P. B. Patil, Advocate for Petitioners.

Mr. N. R. Rode, A.G.P. for Respondent Nos.1 & 2.

Mr. N. P. Lambat, Advocate for Respondent No.3.

Ms. Ayushi Dangre, Advocate h/for Mr. Harish Dangre, Advocate
for Respondent Nos.4 & 5.

**CORAM : NITIN JAMDAR &
ANIL L. PANSARE, JJ.**

DATE : 26 FEBRUARY 2022

P.C. :

Heard learned Counsel for the parties.

2. The Application is filed for amendment of the Petition. By way of amendment, the Petitioners/Applicants seek to bring on record the communication issued by the University in favour of the Petitioners/Applicants and for appropriate direction to the Respondent Institution for compliance.

3. Learned Counsel for the Respondent Institution objects to the Application contending that the amendment will change the nature of the relief sought for. We have perused the prayers in the Petition. The relief is primarily concerning non payment of dues. The amendment sought is in respect of subsequent event of directions issued by the University to pay the dues. We do not find that there is any change in the cause of action, as contended. As regards the merits of the amended portion, it is open to the Respondents to file their reply-affidavit to the amended Petition.

4. As regards the objection that the Petitioners/Applicants are challenging the Disciplinary Inquiry by the amendment, the learned Counsel for the Petitioners/Applicants clarifies that the Applicants have not challenged the Disciplinary Inquiry in the Application or this Petition.

5. The Civil Application is accordingly allowed. Amendment to be carried out within a period of one week. Reply to the amended Petition to be filed within a period of two weeks thereafter.

6. Stand over to 21 March 2022.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]