

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

WRIT PETITION NO. 2032 OF 2022

(Bhawbhuti Shikshan Sanstha and others ..vs.. Sandeep s/o Chandulal Hanuwate and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.M. Ghare, Counsel for the petitioners.

CORAM : ROHIT B. DEO, J.

DATED : 18-04-2022

The Management is assailing the order dated 10-3-2022 rendered by the School Tribunal in Appeal (STN) 7/2021 preferred by the respondent-Principal alleging oral termination, whereby the Tribunal permitted the employee to amend the memo of appeal.

2. I have heard the learned Counsel for the management Mr. A.M. Ghare, who would submit that the Tribunal erred in allowing the application seeking amendment of the memo of appeal.

3. Mr. A.M. Ghare would submit that the intention is to remove the "lacunae". Mr. A.M. Ghare would then emphasize that the proposed amendment is sought after the High Court allowed Writ Petition 3089/2021 and quashed the direction of interim reinstatement.

4. I am not inclined to interfere with the order impugned for reasons more than one.

As is rightly noted by the learned Tribunal, there is absolutely no prejudice to the management if the

employee is permitted to amend the memo of appeal. I have perused the application seeking permission to amend the pleadings, and I am satisfied that there is absolutely no change in the nature of the case originally pleaded. That apart, the proceedings are at a nascent stage.

5. The submission that the only intention is to remove the “lacunae”, is noted only for rejection. The employee is certainly entitled to place on record the necessary pleadings in support of his case that he was pressurised to resign. One of the questions which may arise in the appeal, and at any rate, which may have a bearing on the relief, which may be granted by the Tribunal, is whether the employee was appointed as Principal by following the due process. It is in this context that certain facts and assertions are incorporated. The management shall have the opportunity of placing on record its rebuttal to the amended pleadings by filing an additional affidavit-in-response.

6. In writ jurisdiction, I see no reason to interfere with the order permitting the employee to amend the memo of appeal.

7. The petition is dismissed.

JUDGE

