



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14050 OF 2022**

Veejhay Jaypal Magdum and Ors. ... Petitioners
versus
Kishor Balasaheb Bhagate and Ors. ... Respondents

Dr. Uday P. Warunjikar, for Petitioners.
Mr. Sumedh Modak i/by Mr. Vijay Killedar, for Respondent No.1.

**CORAM : N.J.JAMADAR, J.
DATE : 31 JULY 2023**

P.C.:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 14 March 2019 passed by the learned Presiding Officer, School Tribunal, Kolhapur on an application (Exhibit 29) in Appeal No.54 of 2017 whereby the learned Presiding Officer allowed the application for amendment in the appeal memo so as to correct the challenge therein to that of 'termination' from 'suspension' at certain places in the grounds of original appeal memo.
3. The learned Counsel for the Petitioners submitted that if the appeal memo is perused, it becomes evident that at number of places the Respondent No.1-original appellant has referred to the challenge being to that of the order of suspension and the application for amendment was preferred at the fag end of the proceedings when the appeal itself was listed for final hearing.
4. In opposition to this, it was submitted on behalf of the Respondent No.1

that essentially the challenge was to the termination of the services of the Petitioner vide order dated 5 August 2017 and, inadvertently, the word 'suspension' came to be used interchangeably for 'termination'.

5. I have perused the copy of the communication dated 5 August 2017, whereby the impugned order was communicated to the Respondents, tendered by Dr. Warunjikar. Vide communication dated 5 August 2017, the Petitioners decided to accept the decision of the Enquiry Committee and terminate the services of the Respondent No.1. In terms of prayer clause (b) of the appeal memo, the Respondent No.1 had prayed that the order dated 5 August 2017 be quashed and set aside.

6. I am, therefore, persuaded to hold that the challenge essentially was to the order of 'termination' and the learned Presiding Officer, School Tribunal committed no error in allowing the amendment in the appeal memo as that is the real question in controversy between the parties.

7. Hence, the Writ Petition does not deserve to be entertained.

8. The Writ Petition stands dismissed.

9. No costs.

(N.J.JAMADAR, J.)