

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

WRIT PETITION NO.4351/2021

The President, Vidarbha Medical Education and Research Foundation, Akola
...Versus...

Vishwas Ramrao Tale & Ors. **with**

WRIT PETITION NO.4356/2021

The President, Vidarbha Medical Education and Research Foundation, Akola
...Versus...

Mohd. Sadique Abdul Mannan & Ors. **with**

WRIT PETITION NO. 4353/2021

The President, Vidarbha Medical Education and Research Foundation, Akola
...Versus...

Hemant Keshavrao Deshpande & Ors. **with**

WRIT PETITION NO. 4360/2021

The President, Vidarbha Medical Education and Research Foundation, Akola
...Versus...

Ganesh Babarao Dandale & Ors. **with**

WRIT PETITION NO. 4362/2021

The President, Vidarbha Medical Education and Research Foundation, Akola
...Versus...

Dilip Shyamrao Wankhade & Ors. **with**

WRIT PETITION NO. 3220/2021

The President, Vidarbha Medical Education and Research Foundation, Akola
...Versus...

Mahadeo Bhavanji Rakesh & Ors. **with**

WRIT PETITION NO. 3221/2021

The President, Vidarbha Medical Education and Research Foundation, Akola
...Versus...

Pradeep Dattatray Pathak & Ors. **with**

WRIT PETITION NO. 4361/2021

The President, Vidarbha Medical Education and Research Foundation, Akola
...Versus...

Manda Gajanan Fulari & Ors. **with**

WRIT PETITION NO. 4366/2021

The President, Vidarbha Medical Education and Research Foundation, Akola
...Versus...

Madhuri Prakash Lohakar & Ors. **with**

WRIT PETITION NO. 4359/2021

The President, Vidarbha Medical Education and Research Foundation, Akola

...Versus...

Santosh Gulabrao Solanke & Ors.**with**
WRIT PETITION NO. 4357/2021

The President, Vidarbha Medical Education and Research Foundation, Akola

...Versus...

Bharat Damodarrao Karale & Ors.**with**
WRIT PETITION NO. 4358/2021

The President, Vidarbha Medical Education and Research Foundation, Akola

...Versus...

Bhimrao Shivram Wankhade & Ors.**with**
WRIT PETITION NO. 4364/2021

The President, Vidarbha Medical Education and Research Foundation, Akola

...Versus...

Tejbahaddursingh Tikaramsing Jajoria & Ors.**with**
WRIT PETITION NO.4365/2021

The President, Vidarbha Medical Education and Research Foundation, Akola

...Versus...

Sanjay Mukundrao Deshmukh & Ors. **with**
WRIT PETITION NO. 3218/2021

The President, Vidarbha Medical Education and Research Foundation, Akola

...Versus...

Amrut Puransa Ganoje & Ors.**with**
WRIT PETITION NO. 4355/2021

The President, Vidarbha Medical Education and Research Foundation, Akola

...Versus...

Sanjay Manikrao Gawande & Ors.**with**
WRIT PETITION NO. 3219/2021

The President, Vidarbha Medical Education and Research Foundation, Akola

...Versus...

Balabhau Sampat Dabhade & Ors.**with**
WRIT PETITION NO. 4367/2021

The President, Vidarbha Medical Education and Research Foundation, Akola

...Versus...

Ajay Vasantao Zadape & Ors.**with**
WRIT PETITION NO. 4354/2021

The President, Vidarbha Medical Education and Research Foundation, Akola

...Versus...

Ravindra Vitthal Dhenge & Ors.**with**
WRIT PETITION NO. 4368/2021

The President, Vidarbha Medical Education and Research Foundation, Akola

...Versus...

Kishor Uttamrao Deshmukh & Ors.**with**

WRIT PETITION NO. 4370/2021

The President, Vidarbha Medical Education and Research Foundation, Akola

...Versus...

Rajendra Raghunath Gondhalekar & Ors. **with**

WRIT PETITION NO. 4363/2021

The President, Vidarbha Medical Education and Research Foundation, Akola

...Versus...

Sadanand Manohar Ghatole & Ors.

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

Court's or Judge's orders

Shri A.R. Deshpande, Advocate for petitioner in all petitions
Shri V.R. Deshpande, Advocate for respondent no.1 in WP No.4365/2021
Ms Tajwar Khan, AGP for respondent nos.2 and 3 in all petitions

CORAM : AVINASH G. GHAROTE, J.

DATE : 24/04/2023

1. The petitions challenge the common order dated 12/03/2021, whereby the application for amendment of the reply before the Controlling Authority seeking to raise a plea that what was claimed by the respondent no.1 was not the last drawn salary of the respondent no.1, has been rejected.

2. Shri A.R. Deshpande, learned counsel for the petitioners, upon instructions, makes a statement that in case the plea is permitted to be raised, there is no question of leading any additional evidence or for that matter of filing of any additional document and the appeal itself can be decided on the basis of the material which is already on record.

3. Though the impugned order is supported by Shri V.R. Deshpande, learned counsel for the respondent no.1, it is material to note that merely permitting to raise a plea on the basis of the aforesaid statement made by Shri A.R. Deshpande, learned counsel for the petitioners, would not change the nature of the pleading, specifically in view of the position, as stated by him that no new document or no new pleading or no new evidence will be sought to be placed on record in support of the said plea and the appeal itself will be argued on the basis of the material already on record.

4. This statement of Shri A.R. Deshpande, learned counsel for the petitioners, is accepted as a statement to the Court, considering which, the impugned order insofar as it rejects the application for amendment is hereby set aside and the application is allowed, subject to the condition that the petitioners shall not be permitted to place on record any additional evidence, document, or plea and shall also not claim any entitlement to remand the matter on this ground and the appeal before the Appellate Authority shall be decided on the basis of the material which is already in existence as of date. The appeal shall be decided within a period of two months from 02/05/2023, on which date, the parties shall appear before the Appellate Authority and place copy of this order for perusal and for further action by the learned Appellate Authority.

5. The writ petitions are allowed in the aforesaid terms. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar