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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 8474 OF 2025
IN
WRIT PETITION NO. 1634 OF 2022**

Ashok Laxman Moily & Ors.

...Applicants/Petitioners

Versus

The Chairman K.M.E.S. English Medium High
School & Jr. College And Ors.

...Respondents

Ms. Veena Thadhani a/w. Ms. Rutuja Gaikwad for the
Applicants/Petitioners

Mr Vikas M. Mali, AGP for Respondent No. 7

Mr Arvind Kothari for Respondent Nos. 1 to 4

**CORAM : RAVINDRA V. GHUGE &
M. M. SATHAYE, JJ.**

DATE : 10th JUNE 2025

P.C.:-

1. We have heard the learned Advocates for the respective sides on the application seeking amendment.

2. The controversy put forth on account of subsequent events after this Court passed a detailed order on 25/07/2024, unfolds a peculiar picture.

3. The Respondent Nos. 1, 2 and 3 Management claim to have declared a closure of the Institute in which 2,500 students were taking education. A leave and license agreement is alleged to be entered into by the earlier Management with a new Management, who has taken over the entire premises. Further allegation is that all the students who were taking education

in the same school with the earlier Management, are now admitted in the school, purportedly under the new Management. If these contentions turn out to be factually correct, it would amount to a novel idea of the present Respondent Management to over-ride the order of this Court dated 26/07/2024, which challenged in Special Leave Petition (Civil) Diary No. 47338 of 2024, which was dismissed vide order dated 03/02/2025.

4. Undisputedly, the notice of three months for discharging the services of the Petitioners was issued on 11/04/2025, which is likely to be effected from 11/07/2025.

5. In view of the above, **the Interim Application is partly allowed** to the extent of permitting the Petitioners to amend the Petition within 10 days from today. All other prayers would be considered while deciding the Writ Petition. Respondent Nos. 1, 2 and 3 would file their affidavit-in-reply to the amended Writ Petition, on or before 27/06/2025, keeping in view that the proposed amendment is before the said Respondents.

6. Since the proposed discharge of the Petitioners is to be effected from 11/07/2025, list this Petition in the 'fresh admissions' category on 03/07/2025.

(M. M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)