

Shri. K. B. Parab,

V/s.

Karachi, Maharashtra, S.P.M. and others.

Order below Exh. 39

(Date – 29.10.2025)

The present application is filed by respondents 1 to 4, under Order VI, Rule 17, of the Code of Civil Procedure, for the amendment of the written statement. The appellant has filed his say below Exh. 45 and raised a strong objection towards the application.

2. According to respondents 1 to 4, the present appeal is filed by the appellant against the order of supersession. As per the appellant's contentions, he holds a B.PEd. and is therefore eligible for the post of Headmaster. After filing the written statement, the respondents' management has discovered material that reveals that the B.PEd., degree claimed by the appellant was obtained by fraud and misrepresentation. Thus, the management had deleted the qualification from his service record; the contesting respondents, therefore, seek to amend their written statement by inserting para 2(A) and to prove all material facts on record. According to respondents, the amendment is bona fide and necessary for proper adjudication, and it will not cause any prejudice to the appellant.

3. Per contra, as per the say of the appellant, the contention raised in the application is false and fabricated; therefore, the application is not maintainable and deserves to be dismissed with heavy costs. It is further contended by the appellant that, to deprive the appellant of his right to claim the management issued notice

calling for an explanation about the completion of B.PEd., full-time course. On 19.04.2025, the management issued another letter, and the entry for the B.PEd. degree was deleted from his service book. The action of the respondent management is arbitrary with malafide intention to deprive the appellant of promotion as Headmaster. The appellant had obtained the degree of B.PEd., from a recognized university; the university had not withdrawn the degree from the appellant. Therefore, the alleged amendment shows the malafide intention of the respondents.

4. Heard both Ld. Counsel at sufficient length. They have reproduced the arguments as set out in their written pleadings.

5. It is transpired from the record that respondent No. 1 to 4 had filed their written statement below Exh. 37 on 15.04.2025. The documents filed below Exh. 42 reveals that the entry of B.PEd., from the service book of the appellant, was deleted as per the order of management dated 16.06.2025. Thus, the alleged deletion of an entry from the service book is a subsequent event, occurring after the filing of the written statement. Subsequent events after a pleading is filed on record can be recorded by way of an amendment.

6. As per the contention of the appellant, a recognized university that had awarded the appellant's degree had not canceled or withdrawn the degree from the appellant; therefore, the action of management is illegal and against the law. Admittedly, no documentary evidence has been produced to show that the degree was withdrawn by the university that recognized it. The question of whether the management's action is illegal has not arisen at the amendment stage. If the subsequent event is taken on record, the

appellant gets an opportunity to defend and file their reply to it. Without touching on the legality of the action, it would be proper to allow the respondents to amend the pleading by inserting a subsequent event. Hence, following the order.

ORDER

1. Application is allowed under order VI Rule 17 of the Code of Civil Procedure, and permission is granted to the respondents to carry out an amendment in the written statement by inserting a paragraph 2(A) within 14 days from the day of the order.
2. No order as to costs.

Date: 29.10.2025.
Place:- Kolhapur.

(V.N.Dhavle)
Presiding Officer,
School Tribunal, Kolhapur.