

Smt. Sangita Mahadev Mali,

V/s.

**The Secretary, Shri. Sharad Shikshan Prasarak Mandal
and others.**

Order below Exh. 30.

(Date - 7th January 2022)

Perused the application, say of respondent no. 1 thereon, entire record before me. Heard Ld. Advocate for appellant at length.

2) Present application has been filed by the appellant for amendment of appeal memo. By this application, the appellant intends to add averments in para 5G namely, that despite it appellant was terminated, service of the respondent no. 4 was continued. Considering the seniority, the respondent no. 4 should have been terminated, but, without following any procedure the appellant was terminated only by prohibiting her from coming to the school, this act is illegal. According to the appellant, inadvertently, these averments were not made in the appeal memo. If the amendment is allowed, respondents will not suffer any loss, but, if it is not allowed, the appellant will suffer irreparable loss. On these grounds, appellant has prayed that she may be permitted to amend the appeal memo for inserting above referred matter.

3) The Respondent no. 1 filed his say at Exh. 34 and opposed application. As per him, the proposed amendment will change nature of the appeal. Present application has been filed

after the appellant had submitted her final written arguments. Therefore, proposed amendment cannot be allowed.

4) By the proposed amendment, the appellant intends to incorporate the averments regarding how her termination is illegal and how the respondent no. 4 should have been declared surplus/terminated in her place as per seniority. In my considered opinion, these averments are material one and certainly essential for determining real question between the parties. Importantly, it will not change the nature of the appeal and no prejudice will be caused to the respondents, if it is allowed. Therefore, I hold that, present application deserves to be allowed.

ORDER

1. Application is allowed.
2. The appellant is permitted to carry out the amendment as prayed and do supply copies of amended appeal memo on or before next date.
3. No order as to costs.

(Order dictated and pronounced in the open Court.)

Date : 7th January 2022.
Place: Kolhapur.

sd/-
(A. G. Deshingkar)
Presiding Officer,
School Tribunal, Kolhapur.