

MHSS270000122025 	<u>Misc. Application No. 05/2025</u> Ganesh Ramrao Ingle -Vs- Shri Gurudev Vidya Prasarak Mandal, Amravati and others
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ORDER PASSED BELOW EXH.-17

(Passed on 02.04.2026)

- 1] This is an application to amend the application for condonation of delay (Exh. 1)
- 2] The applicant has filed condonation application (Exh. 1) seeking to challenge the termination of his services with retrospective effect from 31.10.2008. After the respondents filed their say and after the matter was heard and reserved for order on 30.01.2026, the applicant filed present application (Exh. 17) seeking to amend the condonation application.
- 3] The proposed amendment seeks to :-
- clarify that the applicant was relieved from in-service D.Ed. course from time to time between 2012 to 2016,
 - add that the applicant actually came to know about the so-called termination only upon receiving communication dated 01.12.2016 from the respondent No. 3
 - substitute the prayer clause from challenging “impugned order of termination dated 31.10.2008” to challenging “the result of communication dated 01.12.2016 whereby it is communicated that the services of the appellant come to an end w.e.f. 31.10.2008 itself,

amounting to termination of services with retrospective effect.

4] The respondent No.1 and 2 opposed the amendment on following grounds : -

- It is an afterthought application filed after the matter was reserved for order.
- It changes the nature of the case.
- The applicant lacks diligence.
- No sufficient cause is shown for not raising these facts earlier.

5] Learned counsel Shri M.A. Deshpande for the applicant is absent to do argument on this application. Heard learned counsel Shri M.A. Vaishnav for the non-applicant No.1 and 2. This matter is proceeding *ex-parte* against the non-applicant No.3 project officer.

6] The power to allow the amendment is wide and should be exercised liberally to determine the real question in controversy between the parties. It is settled principles of law that substantial justice should prevail over technical rules. Amendment should be allowed if it does not cause irreparable prejudice to the opposite party. Even after commencement of trial or after reserving judgment or final order, amendment can be allowed if justice so requires.

7] In the present case the applicant is adding crucial facts that explain when he actually received the knowledge of termination. The real dispute is not about a mere date. It is whether the appellant's services were validly terminated, whether such termination was with retrospective

effect, whether the applicant continued in service de facto during D.Ed. course period and whether the appeal is maintainable. The proposed amendment brings clarity to these core issues.

8] The applicant contends that he was never communicated any termination order in 2008. Instead, he was relieved from time to time for completing his D.Ed. course. He came to know about the alleged retrospective termination only upon the receiving the communication dated 01.12.2016 from the non-applicant No. 3- Project Officer. This is a material fact that goes to the root of the limitation calculation. Excluding this fact would result in an unjust dismissal of the appeal on a technical ground without examining the merit.

9] The non-applicant No. 1 and 2 argue prejudice. However, they will get a full opportunity to give explanation to the added pleadings of the applicant by filing consequential amendment application.

10] On going through the proposed amendment I find that the amendment only clarifies the factual matrix regarding when the termination become known to the applicant. This does not change the nature of proceeding. This Tribunal is constituted to impart substantial justice in service matter relating to employees of aided schools. If the amendment is disallowed on a technical ground, the applicant may lose his right to challenge termination on merit, even if his case has substance. The ends of justice require that the real dispute be adjudicated on merit rather than being thrown out on a procedural technicality. Hence, I proceed to pass the following order.

: ORDER :

- 1) The application is allowed.
- 2) The appellant is directed to carry out the necessary amendment and to file amended copy of condonation application within 20 days from today.
- 3) It is made clear that this order allowing the amendment does not amount to any expression of opinion on merits of condonation application. The non-applicants are at liberty to oppose the condonation application on all available grounds.

Amravati
Date :02.04.2026

(Anand Y. Borkar)
Presiding Officer,
School Tribunal, Amravati