

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12006 OF 2017
(Taha Shikshan Sanstha, through its President and another Vs.
Rosha Ara d/o Akhtar Ahmed and another)

Mr.M.C.Syed, Advocate for the petitioners.
Mr.R.R.Sancheti h/f Mr.R.R.Mantri, Advocate for respondent No.1.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 05/10/2017

PER COURT :

1. The petitioner is aggrieved by the impugned order dated 18/08/2017 passed by the School Tribunal, Latur, thereby rejecting application Exh.45 filed by the petitioner/Management seeking production of documents from the original appellant.

2. I have considered the strenuous submissions of the learned Advocates. Issue is as regards an enquiry conducted against the appellant and based on the same, she has been dismissed from service by way of punishment.

3. It requires no debate that all those documents, which were produced in the departmental enquiry and which have been referred to by the charge sheeted employee, the Management and the Enquiry

Officers, would be a part of the entire enquiry Record. This enquiry R and P has to be produced before the Court dealing with the challenge to the dismissal based on the enquiry. Extraneous document or those documents which were not a part of the enquiry R & P and which did not constitute the basis for the Enquiry Committee to draw its conclusions, cannot be produced before the Tribunal as such documents would amount to being foreign to the record and proceedings of the enquiry.

4. Learned Advocate for the petitioner / Management submits that every paper that forms a part of the enquiry R & P has been produced before the Tribunal. When the enquiry R & P is before the Tribunal, no other documents are required as the Tribunal is to consider the effect of the enquiry R & P and assess whether the enquiry report can be said to be fair or perverse.

5. Considering the above, this petition, being devoid of merit, is therefore, dismissed.

(Ravindra V.Ghuge, J.)