

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

WRIT PETITION NO. 4658 OF 2017

P.N.Mehta Educational Trust & Anr. ..Petitioners

v/s.

Ms. Jacinta Daniel Ankaipagar ..Respondents

Mr. K.V.Nikam for the Petitioner.

Mr. Ameya Deshpande for the Respondent No.1.

**WITH
WRIT PETITION NO. 4659 OF 2017**

P.N.Mehta Educational Trust & Anr. ..Petitioners

v/s.

Ms. Atiya Fatima Wasim Ali Sayed ..Respondents

Mr. K.V. Nikam for the Petitioner.

Mr. Ameya Deshpande for the Respondent No.1.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 14th JUNE, 2017.**

P.C.

1. Rule. Rule made returnable forthwith. By consent of the parties taken up for hearing at the stage of admission.

2. Heard the learned Counsel for the petitioner and the learned Counsel for the respondent. The petitioner herein, which is a minority institution has challenged the order dated 13th February, 2017 whereby the learned Presiding Officer, School Tribunal, Nashik has directed the petitioner to produce the documents listed at serial nos.1 to 4 in the application which is placed on record at Exhibit 1 at page 51.

3. It is not in dispute that the petitioner is a minority institution and that the respondent no.1 was appointed as a teacher on probationary period of three years. By order dated 17th May, 2016, the petitioner institution terminated the services of the respondent no.1. The respondent no.1 challenged the said Order by filing an appeal before the School Tribunal at Nashik. In the said proceedings the appellant filed an application seeking direction to the petitioner herein to produce the following documents:

- i) Staff schedule of the year 2015-2016
- ii) Appointment order of the newly appointed employees from the year 2016.
- iii) Requisite document of qualification of newly appointed

employees in June 2016.

iv) Copy of muster roll from January 2016 to June 2016.

4. The learned Presiding Officer, while deciding the said application has held that the respondent no.1 has not shown the relevancy of the said documents for the purpose of said appeal. Nevertheless, the learned Presiding Officer allowed the application by imposing costs of Rs.300/-. A perusal of the impugned order indicates that the learned Presiding Officer has not given any reasons to allow the said application to direct the petitioner to produce the said documents, despite holding that the respondent had not shown the relevancy of the said documents.

5. Be that as it may, I have perused the appeal memo. A perusal of the appeal memo indicates that the respondent no.1 has only challenged the legality of her termination. Having perused the grounds raised in the appeal memo, it is evident that the documents listed in the application are not at all relevant for deciding the appeal.

6. Under the circumstances, the learned Presiding Officer, School Tribunal, Nashik was not justified in directing the petitioner to

produce the documents. Consequently, the impugned order cannot be sustained. Hence, the petition is allowed. The impugned order dated 13th February, 2017 is hereby quashed and set aside.

(ANUJA PRABHUDESSAI, J.)