

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

**WRIT PETITION NO. 13709 OF 2018**

**WITH**

**WRIT PETITION NO. 264 OF 2020**

Amina Shaukat Alim Momin ...Petitioner

V/s.

Habib Education and Welfare Society  
Through its President/Secretary and Ors. ...Respondents

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**Mr. I.M. Khairdi**, for the Petitioners.

**Mr. Shaikh Nasir Mashih** for Respondent Nos.1, 2 and 4.

**Mr. C.D. Mali**, AGP for Respondent No.3.

**CORAM : SANDEEP V. MARNE, J.**

**Dated : 13 September 2023.**

**P.C. :**

1. These petitions are filed by the Petitioner challenging orders dated 29 August 2018 passed by the School Tribunal, Navi Mumbai rejecting applications filed by Petitioner at Exhibits-27 and 28. By those applications, the Petitioner is seeking production of numerous documents by the School Management. To illustrate, by filing application at Exhibit-27 the Petitioner sought production of as many as 30 documents and by application at Exhibit-28, he sought production of another 13 documents.

2. *Prima-facie*, it appears that the Petitioner is undertaking a roving enquiry by calling upon the School Management to produce various documents. The petitioner is questioning his termination from service in Appeal No.41/2016.

The Petitioner has delayed decision of his own Appeal for the last several years on account of filing of baseless applications seeking production of documents from the School Management. The burden of proving the termination to be illegal rests on the shoulder of the Petitioner. The learned counsel for the Respondent-Management has placed on record, copy of the Appeal memo alongwith Exhibits thereof. It appears that the Petitioner has already placed on record several documents alongwith the Appeal.

3. Mr. Khairdi, the learned counsel for the Petitioner attempted to contend that the filing of applications seeking production of documents was necessitated on account of defence taken by the School Management denying the very appointment. The learned counsel appearing for the Respondent-Management fairly submits that the factum of appointment of Petitioner by the Management is not disputed. He would submit that the services of the Petitioner are required to be terminated on account of abolition of posts due to decrease in the number of students. Whether such a decision to terminate the services of the Petitioner on account of abolition of posts is valid or not is something which the Tribunal will decide in Appeal No. 41/2016. Petitioner cannot be permitted to undertake the roving enquiry by calling upon the School Management to produce as many as 30 plus 13 documents. The Tribunal has correctly rejected both the applications. I do not find any merit in the petitions. The same are **dismissed** without any orders as to costs.

**SANDEEP V. MARNE, J.**