



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3000 OF 2024

SHRINATH SHIKSHAN PRASARAK MANDAL THROUGH ITS
PRESIDENT AND OTHERS
VERSUS
MEERA PANDURANG GILBILE AND ANOTHER

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Advocate for the Petitioners : Mr. Abhijeet V. Thombre.
AGP for Respondent/s-State : Mrs. A. S. Mantri.
Advocate for Respondent No.1 : Mr. Chalak Amol Balasaheb.

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CORAM : S. G. MEHARE, J.
DATE : 22.03.2024

PER COURT :-

1. Issue notice to the respondents.
2. Learned counsel Mr. Chalak waives service of notice for respondent No.1. Learned AGP waives service of notice for respondent No.2/State Authority.
3. By consent, heard finally at the admission stage.
4. The petitioners have moved an application before the learned School Tribunal to direct respondent No.2 to produce the papers regarding the approval of the services of respondent No.1 by petitioners. The learned Tribunal has observed that petitioners may call those documents from the concerned Department by invoking powers under the Right to

Information Act and such documents are not necessary to call through this Office. There is no document showing that petitioners tried to obtain documents from the concerned office, but they did not. Hence, it is not necessary to allow the present petition.

5. Learned counsel for the petitioners submits that the application under RTI Act addressed to respondent No.2 for supplying the same documents was filed on 15.02.2023. Respondent No.2 by his letter dated 11.04.2023 informed the petitioners that the documents sought for are not available in the office. Learned counsel for the petitioner fairly conceded that this letter was not brought to the notice of the learned School Tribunal. When the petitioners were knowing that the documents were not available with respondent No.2, he ought not to have filed a similar application. The petitioner had a knowledge that the documents which he wanted to get produced from the orders of the Court were not in existence. Therefore, he ought to have bring to the notice of this Court or to file a letter dated 11.04.2023 before the Tribunal. Since the petitioners had knowledge about non existence of the so called documents which were sought to be produced by the order of the Tribunal, the application was frivolous and false. The

arguments of the learned counsel for the petitioners reveals that they want to produce some evidence to support their contention that the Management never appointed respondent No.1 and never submitted the papers for the approval of her appointment. The burden is on the petitioner to prove the fact and the law on that point need not to be discussed. Be that as it may, the facts came before the Court are that the so called documents sought to be produced from the custody of respondent No.2 by order of the Tribunal are not in existence. Therefore, this way or the otherwise, the impugned order is legal, correct and proper. There is no substance in the writ petition.

6. Hence, writ petition stands dismissed.

7. No order as to costs.

(S. G. MEHARE, J.)

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vmk/-