

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7689 OF 2014

Ashaskiya Mahavidyalian
Shikshetar Karmachari Sangh
: V/S :
Dombivali Shikshan Prasarak
Mandal and another

.....Petitioner

.....Respondents

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Mr. A.S. Peerzada, Advocate for the petitioner.

Ms. Anjali Purav, Advocate for respondents no.1 and 2.

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Coram :- Smt. R.P. SondurBaldota, J.

29th JUNE, 2015.

P.C. :-

1). This petition is directed against the order dated 23rd May, 2014 by which the application for interim reliefs filed by the petitioner was dismissed. The petitioner represents Laboratory Assistants/Attendants and the dispute raised is about they being not treated as vacation staff and not allowed to enjoy vacation in terms of Rule 29 of the Maharashtra Non-Agriculture Universities and Affiliated Colleges Standard Code Rules, 1984. Undisputedly, Laboratory

Assistants/Attendants are non-teaching staff. There is also no dispute that under the Rules, only teaching staff is treated as vacation staff and held entitled to vacations as provided under the Rules. In that circumstance, there can be no infirmity in the view taken by the learned Industrial Court on the interim application filed by the petitioner.

2). Mr. Peerzade, learned Advocate appearing for the petitioner, seeks to rely upon the Circular dated 10th May, 2010 by which, according to him, even the respondent which is non-government college would be liable to grant vacation to the non-teaching staff. The Circular is subject matter of challenge in Writ Petition No. 1354 of 2014 which has already been admitted by this Court and which is pending for hearing. Therefore, reliance upon the Circular of the year 2010 can be of no assistance to the petitioner. Since the impugned order is an interim order and passed on the material produced on record before the Court, in my opinion, there can be no interference with the same. Hence, the petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)