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

**WRIT PETITION NO. 5191 OF 2015**

University of Mumbai ...Petitioner
vs.
M/s. Mumbai Vidyapeeth Kamgar Sanghatana ....Respondent

**WITH**

**WRIT PETITION NO. 8222 OF 2016**

M/s. Mumbai Vidyapeeth Kamgar Sanghatana ...Petitioner
vs.
University of Mumbai ....Respondent

**WITH**

**WRIT PETITION NO. 2578 OF 2015 (OS)**

The Registrar, University of Mumbai ...Petitioner
vs.
Sujata Sandeep Sawant & Ors. ....Respondents

**WITH**

**WRIT PETITION NO. 2543 OF 2015 (OS)**

The Registrar, University of Mumbai ...Petitioner
vs.
Avinash Ratnakar Gulekar & Ors. ....Respondents

**WITH**

**WRIT PETITION NO. 2558 OF 2015 (OS)**

The Registrar, University of Mumbai ...Petitioner
vs.
Sonawane Kiran Baburao & Ors. ....Respondents

**WITH**

**WRIT PETITION NO. 3040 OF 2015 (OS)**

The Registrar, University of Mumbai ...Petitioner
vs.

Harish Ashok Sansare & Ors. ....Respondents

**WITH**

**WRIT PETITION NO. 3073 OF 2015 (OS)**

The Registrar, University of Mumbai ...Petitioner
vs.
Pratap Mahadev Gaikwad & Ors. ....Respondents

Mr.P.M. Palshikar for Petitioner in WP 2578/2015, 2543/2015, 2558/2015, 3040/2015, 3073/2015.
Mr.S.C. Naidu with Aniketh Poojari I/b. T.R. Yadav for Petitioner in WP 8222/2016, for Respondent in WP 5191/2015 and for Respondent No.1 in WP 2578/2015, 2543/2015, 2558/2015, 3040/2015, 3073/2015.
Mr.Rui Rodrigues with Abhishek Tripathi I/b. Yogita Singh for Petitioner in WP 5191/2016.
Mr.R.J. Mane, AGP for Respondent No.13 in WP 2578/2015 & WP 3073/2015.
Mr.M.A. Sayed, AGP for Respondent No.14 in WP 2543/2015, Respondent No.15 in WP 2558/2015 & Respondent No.7 in WP 3040/2015.

**CORAM : S.C. GUPTE, J.**

**26 JULY 2016**

**P.C. :**

Heard learned Counsel for the parties.

2 All these petitions are disposed of, by consent of parties, in terms of the following order :

**(i)** Industrial Court to decide the complaints on merits, including the following issues :

(a) Whether University of Mumbai is an “Industry” within the meaning of Section 2(j) of Industrial Disputes Act, 1947?

(b) Whether the University of Mumbai is an “Industrial

Establishment" within the meaning of Section 2(e) of the Industrial Employment (Standing Orders) Act, 1946?

(c) Does the Maharashtra University Act, 1994 oust jurisdiction of the Industrial Court constituted under Section 4 of the MRTU & PULP Act, 1971 to decide a complaint of Unfair Labour Practice under Section 28 read with Items 5, 6 & 9 of Schedule – IV?

(d) Do the Complainants prove that the Respondent University has engaged in Unfair Labour Practice under Section 28 read with Items 5, 6 & 9 of Schedule – IV?

**(ii)** Mr.Rodrigues, learned Counsel appearing for the University of Mumbai, Petitioner in Writ Petition Nos.2578 of 2015 and others, submits that having regard to the judgment of this court in the case of Writ Petition Nos.1492 of 2013 and 2615 of 2013, and the fact that the Respondent employees were appointed without following a due procedure of recruitment, the complaint ought to be dismissed. This is also one of the questions that the Industrial Court shall consider whilst considering the issue listed at Clause (d) above;

**(iii)** All rights and contentions of both parties to the complaint on all issues are expressly kept open;

**(iv)** There shall be interim orders in all complaints in terms of the interim order passed in Complaint (ULP) No.385 of 2014 by the Industrial Court.

**(v)** The Member, Industrial Court, shall decide the main complaints, as expeditiously as possible, and in any event, within a period of six months from today.

**(S.C. Gupte, J.)**