

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 6495 OF 2018**

Bajirao Yashwant Patil & Ors.

.. Petitioners

Vs.

Dr. D.Y. Patil Medical College
and Anr.

.. Respondents

....

Mr. Abhay Nevagi a/w Mr. Amit Singh & Sakshee Kumar i/b
Santosh Sawant Advocate for Petitioners

Mr. S.S.Deshmukh Advocate for Respondent Nos. 1 and 2

....

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATED : NOVEMBER 19, 2019**

P.C.:

1. For the reasons herein after recorded we need not answer the reference required vide order dated 5th December 2018 and simultaneously dispose of the writ petition.

2. Relevant facts are that the 1st respondent-Institution has been established by the 2nd respondent–society. The petitioners were employees of the 1st respondent and approached the Labour Court on account of their services being

terminated. An issue of jurisdiction was raised before the Labour Court which took the view that it had the necessary jurisdiction to adjudicate the claim of the petitioners. The order dated 22nd April 2014 passed by the Labour Court was questioned by the 1st respondent under revisional jurisdiction of the Industrial Court No.1 Maharashtra Kolhapur which took the view vide order dated 4th August 2016 that in view of Sections 58 & 59 of the Maharashtra Universities Act, 1994 since a Tribunal was constituted to decide disputes concerning termination of services of the employees of Colleges in the State of Maharashtra the proper forum would be the College Tribunal constituted under the Act thereby denuding the Labour Court jurisdiction to entertain the claim.

3. Learned counsel for the parties are not in dispute that the 1st respondent college is a deemed University under UGC Act and therefore, the Maharashtra Universities Act 1994 would not be applicable. Regretfully this aspect of the matter was neither argued in the Revision Application for the reason it was not raised as a defence before the Labour Court. This plea has also not been urged in the Writ Petition. As drafted, the Writ Petition proceeds on the basis that availability of a remedy in an appeal before the College Tribunal would not be in

derogation of the jurisdiction of the Fora created under the Industrial Disputes Act, 1947 read with Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.

4. For the reason counsel for both parties concede that the 1st respondent college is governed by the UGC Act and not by the Maharashtra Universities Act, 1994, we do not answer the reference.

5. As a consequence we dispose of the writ petition setting aside the impugned order dated 4th August 2016 and dismiss the Revision Application (ULP) No. 67/2014 filed by 1st respondent and declare that the petition filed before the Labour Court by the petitioners is maintainable before the Labour Court.

6. Since the issue is pending before the Labour Court and since the year 2011 we would request the Labour Court to expeditiously decide the complaint preferably within one year from today.

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE