

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

WRIT PETITION NO.11478 OF 2019

Abdulsattar Mulka Shaikh ... Petitioner
Versus
The Commissioner
Solapur Municipal Corporation ... Respondent

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Mr. Suhas S. Inamdar for the Petitioner.

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CORAM : S.C. GUPTE, J.

DATE : 11 FEBRUARY 2020

P.C. :

. Heard learned Counsel for the Petitioner.

2 This petition challenges an order passed by the Industrial Court at Solapur on a complaint of unfair labour practice. The complaint was filed by the Petitioner herein under Section 28 read with Items 5, 9 and 10 of Schedule IV of The Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (“Act”). The basic grievance of the Petitioner in the present case is that despite the complainant having appeared for an interview and his name having been shortlisted, and kept at Sr. No.26 of the list, the Respondent did not employ the complainant; the Respondent had instead issued appointment letters to candidates at Sr. Nos.25 as well

as 27 and 28. It is submitted that the Respondent-establishment accordingly discriminated against the Petitioner and denied him an opportunity of employment.

3 By its very nature, the complaint does not establish any employer and employee relationship between the parties; it is rather about the prospective employer having denied the opportunity of employment to the complainant. That cannot give rise to any unfair labour practice within the meaning of Item nos.5, 9 and 10 of Schedule IV of the Act. The rejection of the application, thus, cannot be faulted.

4 The petition has, accordingly no merit and is dismissed.

(S.C. GUPTE, J.)