

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1023 WRIT PETITION NO.744 OF 2023

CHANDRAKANT SIDDHAPPA UPPARBAWADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Mr.B.N.Patil, Advocate for the petitioner.
Mr.V.M.Kagne, AGP for the respondent/State.
Mr.K.P.Rodge, Advocate for respondent Nos. 2 and 4.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : JANUARY 20, 2023

PER COURT :

1. The petitioner claims to be a contractual labourer. Earlier, he had approached the Industrial Court, Solapur. Certain orders were passed. After the matters were transferred to the Industrial Court, Latur, a judgment was delivered and his ULP complaint was dismissed. He preferred WP No.9046/2013 before the learned Single Judge. He then approached the Labour Court, then the Industrial Court and then the learned Single Judge of this Court. By common judgment of the learned Single Judge dated 13.10.2015, the proceedings were remitted to the Labour Court. Thereafter his ULP complaint before the Labour

Court and his revision petition before the Industrial Court, were dismissed.

2. The learned Advocate for the petitioner submits that the petitioner should be granted 11 months contractual appointment by the College of Veterinary and Animal Science, Udgir. He seeks a writ of mandamus to direct a College to sign a contract and grant 11 months contractual employment.

3. The scope of the Writ of Mandamus is not to issue such directions to force an entity to sign a contract and issue a contractual appointment order. So also, Article 226 of the Constitution of India, in the backdrop of the petitioner having suffered dismissal of the ULP complaint before the Labour Court and the revision petition before the Industrial Court, would not permit this Court to issue such directions.

4. We are informed that the grievance of the petitioner originating from his termination order and the proceedings from the Labour Court are now pending before the learned Single Judge Bench of this Court. Needless to state, the rights of the Petitioner have to be crystallized and

only thereafter, the Law would recognize a claim for continued employment.

5. In view of the above, this petition cannot be entertained and stand dismissed. The petitioner is at liberty to espouse his cause in the pending proceeding.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)