



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4274 OF 2025

1. Kavayitri Bahinabai Chaudhari,
North Maharashtra University,
Jalgaon, Taluka and District Jalgaon.
 2. Vice Chancellor,
Kavayitri Bahinabai Chaudhary,
North Maharashtra University, Jalgaon,
Taluka and District Jalgaon.
 3. Registrar,
Kavayitri Bahinabai Chaudhary,
North Maharashtra University, Jalgaon,
Taluka and District Jalgaon.
- Petitioners.
(Orig Resp 1 to 3)

VERSUS

1. Kishor Digambar Gadhe
age 56 years, Occ. Service,
R/o Rembhote, Tq. Raver,
District Jalgaon.
2. Premraj Bhimrao Baviskar,
age 47 years, Occ. Service,
R/o Jaihind Colony, Shirpur,
Taluka Shirpur, District Dhule.
3. Anna Ananda Sonawane,
age 52 years, Occ. Service,
R/o Ahire, Tq. Dharangaon,
District Jalgaon.
4. Shashikant Gulabrao Chavan,
age 50 years, Occ. Service,
R/o. Anjan Vihire, Taluka Dharangaon,
District Jalgaon.
5. Vishwanath Babulal Thakare,
age 52 yrs, Occ. Service,

R/o Morane, Tq. & Dist Dhule.

6. Bhagwat Dadaji Patil,
age 48 yrs, Occ. Service,
R/o Maheji Tq. Pachora, Dist Jalgaon.
7. Krushna Raghunath Badgujar,
age 48 yrs, Occ. Service,
R/o Kadholi, Tq. Erandol,
District Jalgaon.
8. Yuvraj Arjun Patil,
age 46 yrs, Occ. Service,
R/o Kadholi, Tq. Erandol,
District Jalgaon.
9. Vijay Shantaram Mali,
age 49 years, Occ. Service,
R/o Lasur, Tq. Chopda,
District Jalgaon.
10. Vilas Ashok Baviskar,
age 52 yrs, Occ. Service,
R/o Bhusawal, Tq. Bhusawal,
District Jalgaon.
11. Rajendra Narayan Mahale,
age 52 yrs, Occ. Service,
R/o Shelwad, Tq. Bodwad,
District Jalgaon.
12. Bhikan Kashinath Umare,
age 68 yrs, Occ. Service,
R/o Vaijnath, Tq. Erandol,
District Jalgaon.
13. Manjoor Mansoor Shaikh,
age 52 yrs, Occ. Service,
R/o Aksa Nagar, Mehrun,
Tq. & District Jalgaon.
14. Manohar Baban Patil,
age 56 yrs, Occ. Service,

R/o Anjan Vihire, Tq. Dharangaon,
Dist. Jalgaon.

15. Rajendra Vasantrao Patil,
age 56 yrs, Occ. Service,
R/o c/o Shri Sanju Shalik Patil,
Plot No.6, Gut no.347/1, Shriram Samarth
Colony, Pimprala Shivar, Near Manav Seva School,
Jalgaon, Tq. & Dist. Jalgaon.
 16. Joint Director,
Higher and Technical Education,
Jalgaon Division, Jalgaon
Maharashtra Jivan Pradhikaran Building,
First Floor, Jalgaon, Dist. Jalgaon.
 17. Director of Education (Higher Education),
Maharashtra State, Central Building,
Pune.
 18. Chief Secretary,
The State of Maharashtra,
Higher & Technical Education,
Department, Mantralaya, Vistar Bhavan,
Mumbai.
- Respondents/
No.1to15 orig complainants
Resp 16 to 18 orig resp no.3 to 6.
- ...
- Advocate for Petitioners : Mr. S. R. Patil
Advocate for Respondents 1 to 15 : Mr. V. B. Patil
AGP for Respondents 16 to 18 : Mr. P D Patil
- ...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : June 11, 2025

JUDGMENT :-

1. Rule. Rule made returnable forthwith. By consent
of the parties, matter is heard finally at admission stage.

2. Petitioners impugn the order dated 13.3.2025 passed by the Industrial Court, Jalgaon below Exhibit U-15 in complaint ULP no.22 of 2024 by which petitioners are directed to provide work to respondents from 1.4.2025 to 15.11.2025.

3. Respondent nos.1 to 15 filed complaint ULP No.22 of 2024 under item nos.5,6,9 and 10 of the Schedule IV of the MRTU and PULP Act, 1971 (for short said Act) before the Industrial Court, Jalgaon, contending that, they have been working on daily wages with Petitioner University since 1995 as Hamal/helper/peon and there exists employer-employee relationship between them. On 21.8.2015 University passed a Resolution and decided to provide work to them on contract system. Therefore, they filed proceeding before Industrial Court seeking relief of permanency in service. Meanwhile, enraged by action of respondents, University passed Resolution dated 10.12.2024 not to provide work to respondent nos.1 to 15. It is, therefore, contended that University is guilty of unfair Labour Practice and filed an application seeking interim relief under section 30(2) of the said act for directions against University to provide them work for 11 months as per clause 4

of the Resolution dated 21.8.2015 and protection of their services.

4. University appeared before the Industrial Tribunal and refuted claim of petitioners contending that complaint is barred by limitation. Respondent nos.1 to 15 had previously instituted complaint ULP no.53 of 2003 and 28 of 2003 seeking regularization of their services, which has been unconditionally withdrawn. Hence, present complaint ULP is hit by principles of resjudicata. It is further contention of the University that respondent nos.1 to 15 were contractual employees for fixed term as per resolution dated 21.8.2015. They committed breach of conditions of contractual appointment. Hence, they are not entitled for any relief. It is further contention of University that complaint ULP is not maintainable before Industrial Court against the University as University is not 'Industry' as defined under Industrial Disputes Act, 1947. After considering rival contentions, Industrial Court decided interim application filed below Exhibit U-15 and directed University to provide work to the respondent nos.1 to 15 from 1.4.2025 to 15.11.2025 as per Resolution dated 21.8.2015.

5. Mr. S.R. Patil, learned advocate appearing for petitioners submits that respondent nos.1 to 15 were contractual employees for fixed period. Their appointments are governed by stipulations under resolution dated 21.8.2015 passed by University, which has effect of agreement between the parties. Respondent nos.1 to 15 have agreed to work as per terms of resolution on contractual basis and cannot claim permanency. He submits that employment was provided to skilled/unskilled daily wagers on contract basis as per negotiations and deliberations between the parties. Appointments are not against substantive sanctioned posts. Hence, employees do not have right of regularization or permanency in service. Mr. Patil, learned advocate appearing for petitioners would further submit that term of contractual appointment of respondent nos.1 to 15 is expired which has effect of termination of their service. The Industrial Court cannot grant relief of reinstatement under the provisions of the Industrial Disputes Act. Similarly, complaint itself is not tenable as University does not fall within the meaning of Industry. Mr. Patil, would rely upon observations of this Court in case of **Rashtrasant Tukdoji Maharaj Nagpur University and another Vs. Hon'ble Member and others** reported in (2016) 2

Mh.L.J. 454 to contend that the respondents-employees have no right to seek regularization on post which fall within domain of public employment in absence of appointment through proper channel.

6. Per contra, Mr. V.B. Patil, learned advocate appearing for respondents/employee vehemently submits that as on date of filing of complaint, petitioners were in service in terms of agreement. The petitioners are continuously in service since 1995, however, they are deprived of regularization of service and benefit of permanency. Mr. V.B. Patil, would submit that Industrial Court is empowered to entertain the application under section 30(2) of the Act and protect conditions of service of employees during pendency of proceeding before Court. He would submit that now it is well settled that University falls within the meaning of 'Industry' and Industrial Court is empowered to grant relief to employees like the petitioners. Therefore, jurisdiction of the Industrial Court under MRTP and PULP Act is very much available for redressal of grievances of the respondents/employees.

7. Having considered submissions advanced, it can be observed that, services of respondents/employees have been

availed by the University since 1995 on various posts like Hamal, Helper and Peon. On 21.8.2015 University passed a Resolution and decided to provide work to respondents and similarly situated employees on contract system for 11 months by giving technical break of four days. Services of the respondents/employees were availed in light of the aforesaid policies. Respondents/employees approached Industrial Court by filing the complaint ULP No.22 of 2024 seeking relief of regularization of services and benefit of permanency. It appears that the respondent/University passed a Resolution dated 10.12.2024 to not to allot work to respondents/employees as they approached Court seeking regularization, which led to filing application for grant of interim relief. The Industrial Court allowed application Exhibit U-15 observing that Respondents/employees have been denied employment only because they approached Court, whereas similarly situated other employees have been retained in service. List of those employees is placed on record of Industrial Court at Exhibit C-10.

8. Perusal of record shows that on the date when complaint ULP 22 of 2024 was filed, respondents/employees

were in service as per agreement dated 11.1.2024 and their term was yet to expire. Respondent/University in a meeting dated 3.2.2024 decided to not to allot work to respondents/employees. Apparently, respondents/employees are victimized alleging that they have flouted conditions of contract. In this background, Industrial Court is justified in exercising jurisdiction under section 30(2) read with section 33 of the Industrial Disputes Act 1947 and direct petitioners to continue services of respondents/employees from 1.4.2025 to 15.11.2025.

9. Although, Mr. Sandesh Patil, learned advocate appearing for the petitioners would submit that respondents/employees would not be entitled to claim relief of regularization of services or permanency as post held by them under contractual employment falls within domain of public employment, such an issue can be dealt with at the time of final hearing of complaint. Even, in matter of of Rashtrasant Tukdoji Maharaj Nagpur University (supra) relied by the petitioners, this Court had issued directions to University to take steps to advertise the posts and consider claim of employees who have been working since long by giving age

relaxation. It is, therefore, clear that respondents/employees cannot be thrown out or kept away from continuity of service only because they approached Court seeking regularization of services.

10. Even, perusal of impugned order, it is eminent that University is directed to provide work to the respondents/employees from 1.4.2025 to 15.11.2025, which is in consonance with Resolution passed by the University dated 21.8.2015. As such, there is no prejudice to the University.

11. So far as point as to maintainability of the complaint on the ground that University cannot be given status of industry, such an issue is elaborately considered and answered by this Court in case of **Mumbai Vidyapeeth Kamgar Sanghtana Vs. University of Mumbai** (Writ Petition No.2976 of 2018). The observations made therein are prima facie sufficient to negate contentions of petitioners as to maintainability of the complaint before Industrial Court.

12. In the result, respondents/employees have made out prima facie case for grant of interim relief. The learned Industrial Court has rightly appreciated pleadings and material

and passed the impugned order which need not be disturbed in exercise of writ jurisdiction of this Court. In the result, Writ Petition sans merit, hence **dismissed**. No costs.

(S. G. CHAPALGAONKAR, J.)

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