



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5978 OF 2025

Encore Healthcare Pvt. Ltd.,
Through Managing Director,
At D-5, MIDC Industrial Area,
Paithan, Tal – Paithan,
Dist. - Chhatrapati Sambhajnagar

.. Petitioners

Versus

The State of Maharashtra
(Industries, Energy & Labour
Department, Mantralaya, Mumbai)
and others

.. Respondents

...
Advocate for the petitioners : Mr. Sachin V. Dankh
AGP for the respondent – State : Mr. S.P. Sonpawale
Advocate for respondent no. 4 : Mr. A.S. Kulkarni
...

**CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.**

DATE : 15 JULY 2025

ORAL ORDER (MANISH PITALE, J.) :

Heard learned counsel for the petitioners.

2. This petition is filed, in order to challenge the order dated 29.10.2024 passed by respondent no. 2 exercising powers under the provisions of the Industrial Disputes Act, 1947, to make a reference to the Industrial Tribunal at Aurangabad.

3. This petition has been filed under Article 226 of the Constitution of India, challenging the said order. It is an admitted

position that the proceedings in pursuance of the impugned order of reference, are pending before the Industrial Tribunal, Aurangabad, wherein respondent no. 4 has already filed its statement of claim.

4. Learned counsel for the petitioners relies upon judgment of this Court in ***Jeroo Dastur and others Vs. Union of India and another***; **2008(1) MhL.J. 654**, to contend that writ petition is maintainable in terms of the law laid down therein.

5. We have perused the said judgment, wherein the settled position of law has been reiterated, whereby a limited scope of judicial review and judicial scrutiny is specified. It is clearly laid down in the said judgment that the narrow scope of enquiry is limited to the question as to whether the circumstances noted by the competent authority (respondent no. 2 herein) did exist or not at the time when the impugned order was passed. This Court in writ jurisdiction cannot judicially scrutinize the opinion as reflected in the impugned order.

6. Taking into consideration the aforesaid narrow scope of writ jurisdiction to be exercised by this Court, we have perused the impugned order dated 29.10.2024. The said order takes into consideration all the relevant circumstances and then reaches an opinion that reference has to be made under the provisions of the said Act to the Industrial Tribunal. Accordingly, such a reference has been

made. We do not find, that on the basis of the material placed on record, the circumstances taken into consideration by respondent no. 2 including failure report dated 28.10.2024 are in dispute or are irrelevant and, therefore, we see no reason why the present petition can be entertained.

7. As per the settled law, this Court will not judicially scrutinize the opinion arrived at by the respondent no.2.

8. No case is made out for exercise of writ jurisdiction.

9. The petition is accordingly dismissed.

10. Industrial Tribunal at Aurangabad will proceed to decide the said reference in accordance with law.

[Y.G. KHOBRADE]
JUDGE

[MANISH PITALE]
JUDGE

arp/