



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

954 WRIT PETITION NO. 6221 OF 2022

Chandrakant Siddhappa Upparbavade

VERSUS

Kulsachiv Marathwada Krushi Vidyapeeth And Others

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Mr. B. N. Patil, Advocate for the Petitioner

Mr. Rajdeep D. Raut, AGP for Respondents

Mr. Pratap G. Rodge, Advocate for Respondent No. 3

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CORAM : ROHIT W. JOSHI, J.

DATE : 21st AUGUST, 2025

P.C.:

1. The petitioner had filed a complaint being complaint ULP No. 22/2001 before the Labour Court, Latur contending that he was working with respondent no.2-College on daily wages w.e.f. 1991. He contends that his services were terminated without following prescribed procedure. The petitioner prayed for relief of setting aside order of termination and reinstatement in service. The complaint was initially rejected on the ground that College is not an industry. Revision preferred by the petitioner was also rejected on the same ground. The matter came before this Court and was remanded back with directions to the learned Labour Court to decide the issue afresh. Even after remand, the learned Labour Court has held that the college is not an industry and therefore complaint is not maintainable. Revision

preferred by the petitioner before the learned Industrial Court is also rejected.

2. It is now well settled that a College or an Educational Institution is not an industry with respect to function of teaching and the teachers employed in such educational institution. However, as regards non-teaching employees and functions other than teaching, the college is considered to be an industry. Legal position in this regard is well settled by a catena of judgements of the Supreme Court as well as of this Court.

3. In that view of the matter, the judgment and order dated 24.02.2024 passed by the learned Member of Industrial Court, Latur in Revision (ULP) No.12/2017 and the judgment and order passed by the learned Judge, Labour Court at Latur dated 27.04.2017 in complaint (ULP) No.22 of 2001 are quashed and set aside the matter is remitted to the file of the learned Labour Court to decide the complaint on merits in accordance with law.

4. The issue of jurisdiction of Labour Court to entertain complaint with respect to termination of services in view of remedy of filing appeal before University & College Tribunal is kept open.

5. Since the dispute is pertains to the year 2001, the learned Labour

Court is directed to decide the complaint as expeditiously as possible and in any case on or before 30.04.2026.

6. Writ Petition is disposed of accordingly.

[ROHIT W. JOSHI J.]