



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

Writ Petition No.945 of 2021

Prafulla Laxmanrao Bhagwat

vs.

Mahindra & Mahindra Limited

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

None for the Petitioner.

Mr. M.R. Puranik, Advocate for the Respondent.

CORAM : **ANIL L. PANSARE, J.**

DATE : **15th APRIL, 2025.**

Heard. None appears for the petitioner.

02. Learned Counsel for the respondent submits that the petitioner was an apprentice/trainee working with the respondent-company. He filed complaint before the Industrial Court seeking permanency. The Industrial Court refused to grant permanency.

03. Learned Counsel for the respondent submits that the issue involved is covered by the judgment of the Co-ordinate Bench of this Court in **Mahindra and Mahindra Ltd., Nagpur vs. Sunil Namdeorao Zade and another – 2021(3)Mh.L.J. 589**, wherein the Court in paragraph 42 held thus:

“42. The learned Senior Counsels for the rival parties have placed on record written notes of arguments in support of their respective stands. It has been highlighted in the note filed on behalf of the petitioner-Company that in one of the complaints, the case of a trainee was involved. It was emphasized that a perusal of the Model Standing Orders, particularly clause 2(F) would show that such a person is only a learner who may or may not be paid allowance during the period of his training. Reliance was placed on the judgment of the Hon’ble Supreme Court in the case of U.P. State

Electricity Board vs. Shiv Mohan Singh, reported in (2004) 8 SCC 402, to contend that an apprentice or trainee cannot be equated with an employee because there is no relationship of master and servant or employer and employee. It was laid down that there was no obligation on the part of the employer to provide employment to such an apprentice/trainee. The said position of law appears to be clearly in favour of the petitioner-Company. But, in any case, in view of findings rendered by this Court against the respondents-workmen with regard to the very applicability of the concept of uninterrupted service under clause 2(g)viii) of the Model Standing Orders, it would not be necessary to deliberate any further on the said issue.”

04. As could be seen, the Co-ordinate Bench of this Court had referred to the judgment of the Supreme Court and held that an apprentice or trainee cannot be equated with an employee because there is no relationship of master and servant or employer and employee and that there was no obligation on the part of the employer to provide employment to such an apprentice/trainee.

05. Considering the status of the petitioner herein, the Industrial Court has rightly refused his request to grant permanency, wherein the Industrial Court held that the petitioner was not a workman.

06. None appeared for the petitioner to counter the aforesaid submission. There is thus no denial to the same. Even otherwise, the law on the point involved appears to be clear. In view thereof, no substance is found in the petition. The petition is dismissed. No costs.

07. Learned Counsel Mrs. S.P. Giratkar for the petitioner later on appeared. She has been informed of the order passed.

(Anil L. Pansare, J.)

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