



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

WRIT PETITION NO.2942 OF 2024

PETITIONER

: Shri Sandeep Babarao Badukale,
Aged 44 years, Occu: NIL,
R/o. Mahagaon (Kasba), Tal Darwha,
Dist: Yavatmal

...VERSUS...

RESPONDENTS

1. Chief Executive Officer, Zilla Parishad
Yawatmal
2. The Block Development Officer,
Panchayat Samiti, Darwah, Yawatmal
3. The Principal, Z.P Primary Marathi
School, Mahagaon, Tq – Darwah,
Yawatmal

Mr. S.N. Dongre, Advocate for petitioner
Mr. A.G. Mate, AGP for respondent No.1/State
Mr. A.M. Ghare, Advocate for respondent No.2

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 06/10/2025

ORAL JUDGMENT :

1. Heard. Rule. Rule made returnable forthwith. The petition is heard finally with the consent of the learned Counsel at the stage of admission.

2

2. By way of the present writ petition, the petitioner questioned the order passed by the Learned Member Industrial Court, Yavatmal in complaint ULP No.37 of 2015 on 19th August, 2019, whereby the Learned Member Industrial Court, Yavatmal dismissed the complaint filed by the petitioner.

3. Learned counsel for the petitioner submits that the petitioner was serving as 'Parichar' (Attendant) in Zilla Parishad Higher Primary School, Mahagaon (Kasra) Tq. Darwaha, Distt. Yavatmal, from the year 1999. On 28th September, 2012 the Gram Panchayat, Mahagaon passed a resolution to regularize the petitioner on the post of Attendant. The School Committee also passed a similar resolution on 25th August, 2012 and requested the respondent No.2 to regularize the petitioner as Attendant. Learned counsel for the petitioner further submitted that though the petitioner is qualified, the respondent has not absorbed him in that post which amounts to unfair labour practice. He further submits that the petitioner has proved that the respondents have engaged in unfair labour practices by examining himself and had also relied upon the circular of Gram Panchayat Mahagaon, resolution of school Management Committee, certificate issued by the Principal, Zilla Parishad Marathi School, Mahagaon, Taluka Darwaha, Yawatmal. He

PVF

3

further submitted that on the basis of above documents, the petitioner proved his case for regularization, but the learned Member Industrial Court, Yavatmal, has not considered this aspect and dismissed the complaint without considering the documents filed and evidence led by the petitioner. Thus, the counsel for petitioner has prayed to allow the present writ petition.

4. Per contra, learned counsel for the respondent submitted that the petitioner was appointed on the post of 'Cook' and paid Rs.1,000/- (Rupees One Thousand Only) per month and denied that respondent No.1 had appointed the petitioner as Attendant. He had also denied that the petitioner was appointed in the year 1999 and since then petitioner was continuously serving on the said post, the learned counsel for the respondent submitted that the School Management Committee had passed a resolution dated 10th October, 2015 on the ground that the petitioner was not regularly attending his duties and therefore, School Management Committee had decided to appoint another employee in place of the petitioner. Learned counsel for the respondent further submitted that as the petitioner was not seriously attending his duties as 'Cook', Gram Panchayat Mahagaon and the School Management Committee, after following the due process of law

appointed another person on the said post and submitted that Learned Member Industrial Court, Yavatmal has rightly considered the matter and dismissed the complaint.

5. After having gone through record and the arguments, the Order passed by the Learned Member Industrial Court, Yavatmal, it clearly reveals that the Learned Member Industrial Court, Yavatmal has held that the petitioner has not filed any document showing that he was appointed as 'Attendant' by the Competent Authority and his appointment was made as per due procedure of law.

6. Learned Member Industrial Court, Yavatmal has considered that the petitioner has failed to prove that he was appointed as an Attendant by following due process of law and it held that he was appointed by back-door entry. The record reveals that he had worked as a 'Cook' and that too on a Contract Basis. Therefore, Learned Member Industrial Court, Yavatmal has rightly dismissed the complaint. I do not find any substance to entertain the present petition under Article 227 of the Constitution of India. Resultantly, no error is noted in the order passed by the Learned Member Industrial Court, Yavatmal. As such, the

writ petition *sans merit*. Accordingly, the writ petition is dismissed. Rule is discharged. No order as to costs.

(SIDDHESHWAR S. THOMBRE, J.)