



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

WRIT PETITION NO. 5433 OF 2021

Umesh Sudamrao Asole and ors **Vs.** Sant Gadgebaba Amravati University
through its Registrar

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S. M. Vaishnav, Advocate for petitioners.

Mr. S. S. Ghate, Advocate for respondent.

CORAM : ROHIT W. JOSHI, J.

DATE : 09.09.2025.

The learned Advocates inform that the present petition arises out of an interim order dated 23.11.2021 passed by the learned Industrial Court, whereby the application for interim relief restraining the respondent-university from discontinuing or terminating the services of the petitioners came to be rejected.

2. Prior to rejection of the application for interim relief vide impugned order, the learned Industrial Court had granted order of status quo on 25.01.2016. Subsequently, vide order dated 23.02.2022, this Court has directed the parties to maintain status quo in terms of the said order dated 25.01.2016. The said interim order is operating till today.

3. It is informed that the complaint filed by the petitioners came to be dismissed for want of prosecution on 19.07.2023. The application for restoration is still pending.

4. The prayer made in the application for interim relief is that the services of the petitioners should not be discontinued or terminated until final adjudication of the

complaint. However, since the complaint itself is dismissed in-default, the cause in the application has become infructuous.

5. It must, however, be noted that an application for restoration is filed. The learned Advocate for the petitioners, therefore, contends that by continuing the interim order dated 23.03.2022, a direction should be issued to the learned Industrial Court to decide the restoration application expeditiously.

6. The learned Advocate for the respondent-university strongly opposes the submission. The contention of the learned Advocate for the respondent-university is that, admittedly, appointment orders were never issued in favour of the complainants. He draws attention to the documents titled as “Job Work Consent Letter” executed by the petitioners, wherein the petitioners have agreed that since the work is not regular, they will not be entitled to claim permanency in employment.

7. It is understandable that, in a given case, the employee, who does not have equal bargaining power, may execute documents as required by the employer. However, it must also be noted that the complainants/petitioners were not selected through a regular selection process. The applicability of model standing orders is also doubtful.

8. In that view of the matter, having regard to the fact that the complaint is dismissed in default, in the considered opinion of this Court, the petition deserves to be dismissed and is, accordingly, dismissed.

9. The learned Industrial Court is also directed to decide the restoration application expeditiously and in any case on or before 31.09.2025. In the event, the application for restoration is allowed, the learned Industrial Court shall proceed with adjudication of the complaint expeditiously and decide the same on or before 31.03.2026. It is further directed that, in the event restoration application is allowed, fresh notices shall not be issued by the learned Industrial Court in the main complaint.

10. Mr. S. S. Ghate, learned Advocate for the respondent-university, on instructions from Mr. Mangesh Zayle, Deputy Registrar of respondent-university, who is personally present in the Court, states that the services of the petitioners will not be substituted by any other temporary or Badli employees, and in the event work of similar nature is available, the same will be allotted to the petitioners, as was being done before. The statement is accepted as an undertaking to the Court.

(ROHIT W. JOSHI, J.)

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