



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

WRIT PETITION NO. 613/2025

The Director of Higher Education, Maharashtra State and another
Vs. Smt. Vidya Rajesh Kshirsagar and others

Office Memoranda Appearances, directions orders	Notes, of Court's orders and Registrar's orders	Office Coram, orders or Registrar's orders	Court's or Judge's orders
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Mr. A.V. Palshikar, AGP for Petitioners

Ms. Lanjewar, Adv. h/f Mr. N.R. Saboo, Advocate for Respondent Nos.1 to 8

Mrs. Kalpana Pathak, Advocate for Respondent No. 9

CORAM: ANIL L. PANSARE, J.

DATED : 8th JULY, 2025

1. In order dated 04.02.2025, the word 'not' appearing in fifth line in second paragraph shall be deleted. The corrections be made today itself and corrected copy be uploaded forthwith.

2. The petitioners are aggrieved by the order passed by the Industrial Court, thereby permitting the respondent Nos.1 to 8 to amend the complaint and further to add petitioners as party respondents.

3. As such, the grievance of the petitioners was that while allowing amendment and while directing the petitioners to be added as party respondents, the Industrial Court did not afford opportunity of hearing to the petitioners, however, the petitioners after having being added as party respondents, filed application for deletion of their names which came to be rejected on the ground that by way of amendment the respondent Nos.1 to 8 have averred that the petitioners have also indulged in the act of unfair labour practice by not granting approval to the sanctioned posts.

4. Though the Assistant Government Pleader submits that this amendment has been allowed without giving opportunity of hearing to the petitioners, he could not point out as to how could

Industrial Court arrived at a different conclusion, had the petitioners been given opportunity of hearing, in the sense, the Assistant Government Pleader could not satisfy or assign reasons as to why this amendment should not be allowed. Rather, this amendment appears to me to be something which would have relevance to the respondent's final relief.

5. According to the respondent employees, the University is indulged into unfair labour practice by not extending the benefit of permanency and not paying equal pay for equal work. I am informed that the respondent employees were appointed on daily wages to work as Clerks. According to the counsel for the respondent-University, the work is available but there is no post created to absorb the respondent – employees and thus to extend the benefit of permanency. This aspect of sanctioning post is within the domain of the petitioners and in that context, the respondent-employees have alleged, by way of amendment that the petitioners have also indulged into an act of unfair labour practice by not granting approval to the sanctioned post.

6. In that view of the matter, once the amendment is allowed, the respondent-employees are now alleging unfair labour practice by the petitioners as well, therefore, their presence is necessary. The Industrial Court thus correctly held that the petitioners presence is necessary considering the amended pleadings in the plaint.

7. Resultantly, there is no merit in the petition. The petition is accordingly dismissed. No order as to costs.

(ANIL L. PANSARE, J.)