IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7810 OF 2017

1. Shamuwel s/o. Petras Kharat
2. Rangnath s/o. Tulshiram Kale
3. Sandesh s/o. Rajnikant Mhaske
4. Sachin s/o. Pravinchandra Shah
5. Paul M. J. Verghese. ....PETITIONERS

V E R S U S

1. The Government of Maharashtra
vocational Education and Training Department,
Mantralaya Mumbai, Through its Secretary.

2. The Director of Vocational Education and
Training, having its office located at 3,
Mahanagar Palika Marg, Mumbai.

3. Fransalian Technical Institute Aurangabad,
having its office located at Jalna Road,
Aurangabad.

4. Union of India,
Secretary to the Government,
Ministry of Labour, directory of Education
and Training, New Delhi. ....RESPONDENTS

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Mr. Hemant Surve, Advocate for the Petitioners.
Mr. R. S. Wani, Advocate for the Respondent No. 1 & 2/State.
Mr. C. D. Fernandes, Advocate for the Respondent No.3.
Mr. A. R. Borulkar, Advocate for the Respondent No.4

CORAM : KISHORE C. SANT,
JITENDRA S. JAIN, JJ.
RESERVED ON : 14th OCTOBER, 2026.
PRONOUNCED ON : 23rd OCTOBER 2026.

ORDER :- [PER KISHORE C. SANT J.]

1] Heard, Mr. Surve, learned Advocate for the petitioners, Mr. Wani, learned AGP for respondent-State, Mr. Fernandes, learned Advocate for respondent No.3 and Mr. Borulkar, learned Advocate for respondent No.4.

2] The petitioners were working with respondent No.3 i.e. Fransalian Technical Institute Aurangabad. Respondent No.1 is the Government of Maharashtra, respondent No.2 is the Director Vocational Education and Training and respondent No.4 is the Union of India through Secretary to the Government Ministry of Labour.

3] The question arising in this petition is very short. The petition is therefore taken up for final disposal by consent of the parties at the admission stage.

4] The petitioners were working with respondent No.3, a technical institute imparting education in vocational courses and training. The grievance is that though the petitioners worked on the posts as shown at their respective places, they were not paid salaries as per the pay scale applicable to the technical institutes. The petitioners therefore have approached this Court seeking directions to respondent No.3 to implement the policy of the respondents No.1 and 2 of paying 2/3rd of the salary payable to the teaching and non-teaching staff working on the establishment of Government run Industrial Training Institute (for short ***"ITI"***). It is further prayed that the respondent No.3 be directed to implement the orders of respondent No.2 dated 14.10.2016.

5] It is the stand of respondent No.3 that they are not a Government or the instrumentality of the Government, those are not "State" within the meaning of Article 12 of the Constitution of India. It is the stand of Respondent that the petitioner had already filed a petition with similar prayers bearing WP/758/2016 which came to be disposed of by order dated 18.08.2016. Therefore, present petition is

not maintainable on the ground of *res-judicata* as well. It is the further stand of respondent No.3 that in fact the petitioners are getting more amount than Rs.14,000/-. Now the institute is also closed.

6] It is the stand of the Union of India that the Government has accepted the policy of hiring contractual faculty against all vacant sanctioned posts in ITIs and minimum salary of contractual faculty in ITIs shall not be less than Rs.14,000/- per month with 5% annual growth.

7] The stand of the State Government is that the Government had decided to cancel the recognition of the additional units and de-affiliate the code of the respondent-institute for not complying the order dated 14.10.2016 about non-payment of 2/3rd salary as per the pay scale as prescribed.

8] This Court had asked learned Advocate for the petitioners to show the entitlement of the petitioners to get the salary as per the pay scale. Learned Advocate for the petitioners, therefore, relied upon the clause 60(a) of the Training Manual for Industrial Training Institute and

Centres, Second Edition whereby the standards are prescribed, which provides for giving 2/3rd of the salary that is paid to a Government servant of equivalent to the faculty/staff members of the private ITC's. Clause 60(a) which reads as under:

> *"60(a). Salaries to be Paid to the Staff Being Engaged by Private ITC's*
>
> *A minimum of 2/3rd of the salary being paid to a government servant of equivalent level should be paid to the faculty/staff members of the private ITCs.*
>
> *(No.DGE&T-19(19)/95-CD, Dt. 16.8.1996)"*

. He relies upon the resolution as per the said document. The learned Advocate pointed out functions of the State Council for Vocational Training, which reads as under:

> ***3. State Council for Vocational Training***
>
> *There are State Councils corresponding to the National Council to deal all matters relating to vocational training at the level of the State.*
>
> ***(a) Object**: The State Council which is affiliated to the National Council for Vocational Training functions as a state agency to advise the State government in carrying out the training policy laid down by the National Council and to co-ordinate the Vocational Training Programme through-out the State.*
>
> ***(b) Functions**: The functions of the state Council are:*
>
> *1. to carry out the policy of the National Council with regard to the award of National Trade Certificates in engineering and non-engineering trades as may be brought within its scope by the Central*

or State government;

2. to implement the decision and carry out the policy laid down by the National Council in respect of syllabi, equipment, scale of accommodation, duration of courses and method of training;

3. to establish State Board of Examination in Vocational trades; followed;

4. to arrange for ad-hoc or periodical inspection of the training institutes/centres in the State and ensure that the standards prescribed by the National Council are being with its work;

5. to co-opt, if necessary, any person or persons to advise the State Council in connection with its work;

6. to ensure that the staff is employed according to the qualifications prescribed by the National Council and relax qualifications in special circumstances to be recorded, for trades where such staff is not easily available;

7. to ensure that the examinations are conducted by the State Board of Examinations according to standards and the manner prescribed by the National Council;

8. to counter-sign and issue the National Trade Certificates to successful candidates;

9. to recommend the provision of additional training facilities, wherever necessary, and render such assistance in the setting up of additional training programmes as may be necessary;

10. to advise the State Government regarding expenditure on different training schemes; and

11. to perform such other functions as may be entrusted to it by the State Government.

(c) Board of Examinations: *The State Council shall constitute a Board of Examination as a committee of the State Council, which shall perform the following functions:*

1. to constitute a Local Board of Examination at each examination centre;

2. to co-opt outside experts on Local Board of Examination as and when necessary;

3. to make necessary arrangements for the proper conduct of examinations including the provision of raw materials, answer books

and other stationery at the examination centre;

4. to fix the scale of remuneration of the outside experts on the Local Board of Examination and arrange payment thereof;

5. to ensure compliance with the standards prescribed by the National Council for the conduct of the examination;

6. to declare final results; and

7. to submit a yearly report to the State Council regarding its activities and to suggest meas-ures for effecting improvements."

9] The respondent No.3 submits that the respondent No.3 is not a statutory body and therefore the guidelines are not applicable to it. He submits that the training manual is applicable which does not have statutory force. It is only a manual and therefore cannot be said to be a legal document. He specifically asserts that the petitioners were being paid the salary of more than Rs.14,000/-. On asking the petitioners, they could not deny that they were receiving the salary more than Rs.14,000/-.

10] This Court has considered as to whether the respondent No.3 is a instrumentality of the State, in view of above position, the answer is No. Whether the document i.e. training manual can be said to be legal document having binding force, again answer is No. Lastly, assuming that the petitioners are entitled to get 2/3rd salary or minimum

Rs.14,000/- per month, it is submitted by Respondent No.3 that the petitioners were paid more than that salary. The petitioners have not denied the same. Thus, even on that ground, the petitioners have failed to make out a case that they are entitled to get any relief from this Court.

11] This Court considered functions of State Council. There nothing to show that it has any role in the matter of control over Respondent No.3 so far as payment of salary to its employees are concerned. Thus, on all these counts, this Court finds that no case is made out to entertain the writ petition. The writ petition therefore stands dismissed.

[JITENDRA S. JAIN, J.] **[KISHORE C. SANT, J.]**

D.A.ETHAPE (P.A.)