



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5635 OF 2026

MEHTER SAMAJ SAMAJIK SHAIKSHANIK SANSTHA THROUGH ITS
PRESIDENT KAMAL R KADOSE

VERSUS

THE MAHARASHTRA STATE ROAD TRANSPORT CORPORATION
THROUGH ITS MANAGING DIRECTOR AND OTHERS

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Advocate for the Petitioner : Mr. Sanket S. Kulkarni h/f Mr. Yogesh
V. Jaybhaye

Advocate for Respondents : Mr. Anilkumar B. Dhongade

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CORAM : AJIT B. KADETHANKAR, J.
(Vacation Court)

Date : 5th June, 2026

PER COURT :-

1. The petitioner impugns the order dated 29.05.2026 issued by the Divisional Controller, Maharashtra State Road Transport Corporation (MSRTC), Kolhapur. By the impugned order, the contract entered into between the petitioner-institution and the MSRTC stands terminated. The petitioner has challenged the said termination order in the present writ petition.

2. Mr. Kulkarni, the learned counsel for the petitioner, places on record the order passed by the Vacation Court of this Bench on 18.05.2026 in Writ Petition (St.) No. 14731 of 2026. He submits that the cited petition is identical to the present petition

and hence, the petitioner deserves interim protection in light of the order dated 18.05.2026 (supra). The learned counsel for the petitioner, however, disputes the receipt of any show-cause notice.

3. Mr. Dhongade, the learned counsel, appears suo motu for respondents-MSRTC, having been served with an advance copy of the petition by the petitioner for the respondent-MSRTC. The learned counsel submits that learned Division Bench of this Court at the Circuit Bench at Kolhapur, vide order dated 07.05.2026 passed in Writ Petition No. 1951 of 2026, dismissed a similar petition at the threshold, observing that the petitioners have an efficacious alternate remedy to file a civil suit or initiate arbitration proceedings. He submits that the learned Division Bench specifically recorded the objections of the MSRTC that the case involves several disputed questions of fact which cannot be the subject matter of jurisdiction under Article 226 of the Constitution of India.

4. Mr. Dhongade, the learned counsel for respondent-MSRTC further submits that the said order dated 07.05.2026 passed by the Circuit Bench at Kolhapur was challenged by the petitioners therein before the Hon'ble Supreme Court in Special Leave Petition (C) No. 19228 of 2026, and the Hon'ble Supreme

Court dismissed the Special Leave Petition, reiterating the liberty granted to the petitioner to approach the Civil Court.

5. The recitals of the impugned order indicate that the MSRTC had issued a show-cause notice to the petitioner regarding deficiencies in service. On account of the failure of the petitioner to remove the deficiencies, the impugned order came to be passed. The learned counsel further submits that from the recitals of the order cited by the petitioner, it appears that the view taken by the learned Division Bench at the Circuit Bench at Kolhapur was not placed before the Vacation Court of this Bench. He also submits that consequent to the termination of the contract via the impugned order, the MSRTC has already taken possession of the toilets in the Bus Station. Mr. Dhongade, the learned counsel also question on maintainability of the writ petition.

6. Issue notice to the respondents, returnable on 19.07.2026.

7. The respondent-MSRTC to file its affidavit-in-reply and serve an advance copy upon the petitioner.

(AJIT B. KADETHANKAR, J.)

Omkar Joshi