

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6278 OF 2011

Shaikh Wajid Shaikh Isak .. Petitioner

Versus

The Union of India and others .. Respondents

Shri R. S. Deshmukh, Advocate for the Petitioner.
Shri S. B. Deshpande, A.S.G. for the Respondent No. 1
Shri S. D. Kulkarni, Advocate for Respondent Nos. 2 to 4.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 04TH JANUARY, 2016.

PER COURT :

. We have heard Mr. Deshmukh and Mr. Kulkarni, the learned counsel for respective parties for some time. Mr. Kulkarni, the learned counsel submits that, matter involves investigation of facts. The petitioner ought to have availed remedy of appeal before the Grievance Cell.

2. Considering the fact that, there is remedy of appeal before the Grievance Cell, which can go into the factual matrix, though the writ petition is filed in the year 2011, we are not inclined to enter into the said disputes about the facts. The facts averred by the petitioner are denied by the respondent No. 5 in the affidavit.

It is the corporation which would be in a better position to scan the factual matrix of the matter in detail as it has a Grievance Cell.

3. The writ petition as such is disposed of with liberty to the petitioner to avail alternate remedy of appeal before the Grievance Cell of respondent Nos. 2 to 4. In case such an appeal is filed within 30 days from today, the same shall be entertained by the Grievance Cell of respondent Nos. 2 to 4. Of course, an opportunity of hearing shall be given to the respondent No. 5 herein also. All contentions of respective parties are kept open. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]