

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

WRIT PETITION NO. 12032 OF 2015

KUM. KIRAN D/O SAMBHAJI TIDKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....

Advocates for Petitioner : Mr. S.S. Jadhavar
AGP for Respondent/State : Mr. S.D. Kaldate
Mr. Mukul S. Kulkarni, Advocate for Respondents : No.2.

**CORAM : S.S.SHINDE &
 P.R.BORA, JJ.**

DATE : 23rd February, 2016.

PER COURT :

1) Heard learned Counsel for the respective parties. Learned counsel appearing for M.P.S.C., raises a preliminary objection about directly filing the petition and its maintainability under Article 226 of the Constitution of India, without resorting to remedy available before the Maharashtra Administrative Tribunal (for short, the Tribunal).

2) Responding to the preliminary objection so raised by the learned counsel appearing for M.P.S.C., the learned Counsel for the petitioner submitted that since the division Bench of the Maharashtra

Administrative Tribunal (for short, the MAT) was not available at the relevant time at Aurangabad, the petitioner was constrained to approach this court. The learned counsel brought to our notice the averments made in this regard in para 13 of the petition No.12032/2015. The learned counsel further submitted that the petitioner is willing to approach the MAT and, therefore, prayed for passing further orders directing transfer of the petition to the MAT. Learned Counsel further submitted that the interim protection granted by this Court may be continued at least for the next period of six weeks so that in the meanwhile, the petitioner may approach the Tribunal and seek necessary orders.

3) In the light of submissions made across the Bar, this petition shall stand transferred to the Maharashtra Administrative Tribunal, at Aurangabad. Needless to observe that, the registry of the Tribunal shall re-number the said petition, by treating it as Original Applications filed before the Tribunal.

4) Registry of this Court shall ensure that

this Petition is transferred to the Tribunal by 29th February, 2016.

5) Ad interim relief granted by this Court on 6th January, 2016 shall remain in force for further six weeks.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

sga/