

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

**WRIT PETITION NO. 12209 OF 2015**

RUCHA SHRIKRUSHNA TANDALE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHERS

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

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

**DATE : 23<sup>rd</sup> 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 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 29<sup>th</sup> February, 2016.

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

**(P.R.BORA)**  
**JUDGE**

**(S.S.SHINDE)**  
**JUDGE**

sga/