

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION No.1174 OF 2016**

1.National Rural Health Mission Officers and
Employees Association (Maharashtra & Anr. ...Petitioners

vs.

1.The State of Maharashtra & Ors. ...Respondents

Mr.Madhav J.Jamdar, for the Petitioners.

Mr.C. P. Yadav, AGP for Respondent Nos.1 to 5.

**CORAM : ANOOP V. MOHTA &
G.S.KULKARNI, JJ.**

DATE : 2nd February, 2016.

ORDER :

1. Learned AGP has raised a preliminary objection about the maintainability of this Writ Petition on the ground that the Petitioners and their members have an alternative remedy to approach the Maharashtra Administrative Tribunal under the Administrative Tribunals Act,1986. The Petitioner-Association claims to be interested

for more than twenty thousand employees who are claiming service benefits as they are working with the Health Department, State of Maharashtra under the National Rural Health Mission and are claiming regularization apart from other challenges as they raised.

2. Learned Counsel for the petitioners has relied upon the judgment in the case *“Harbanslal Sahnia & Anr. Vs. Indian Oil Corporation Ltd. & Ors., (2003)2 SCC 107”* and contended that this Court under Article 226 of the Constitution of India, though alternative remedy is available, may entertain the present Writ Petition.

3. We are unable to agree with the learned Counsel for the Petitioners. In our opinion, in view of the ratio in the Constitution Bench Judgment in the case *“L. Chandra Kumar vs Union of India and others, (1997) 3 SCC 261”*, considering the facts and circumstances referred above and as factual inquiry is necessary, the present petition is dismissed with liberty to approach to appropriate forum i.e Maharashtra Administrative Tribunal. No costs. All

contentions are kept open.

(G.S.Kulkarni, J)

(Anoop V. Mohta , J.)