

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9466 OF 2010

Uma Dagdusa Kshatriya	}	
@ Uma Shankar Sinalkar	}	Petitioner
versus		
Maharashtra Public Service	}	
Commission and Ors.	}	Respondents

Ms. Leena Patil i/b. Mr. Vaibhav A.
Sugdare for the petitioner.

Mr. N. C. Walimbe - AGP for respondent
no. 2.

Mr. Mihir Raut i/b. Mr. Nitin P.
Deshpande for respondent nos. 4, 7 and 8.

Mr. Dilip Bodake with Mr. Sharad T.
Bhosale for respondent no. 10.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- NOVEMBER 23, 2016

P.C. :-

1. The petitioner has challenged the selection process and initiated by the Maharashtra Public Service Commission (MPSC). The petitioner claims to be one of the in-service candidate.

2. After the writ petition was argued for some time and we brought to the notice of the petitioner's advocate that in the event the petitioner is desirous of pressing the reliefs initially sought

and equally a substantive relief of being treated as a regularly appointed candidate/benefits of permanency, this being a recruitment/appointment to a civil post in the state of Maharashtra, the remedy will be to approach the Maharashtra Administrative Tribunal, the petitioner's advocate seeks leave to withdraw the writ petition with liberty to approach the Maharashtra Administrative Tribunal. Leave granted. The writ petition is disposed of as withdrawn with liberty as prayed.

3. We request the tribunal and in the event the petitioner approaches it to take into account the period during which this writ petition was pending in this court so as to enable the petitioner to save a bar of limitation, if any.

4. This order is passed because Mr. Bodke brings to our notice the fact that a similarly placed candidate like the petitioner, as aggrieved by the acts of the MPSC, has approached the Maharashtra Administrative Tribunal at its bench at Aurangabad and that application is pending.

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)