

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

WRIT PETITION NO. 5379 OF 2017

Maharashtra Rajya Hangami
Hivtap Prayogshala Karmachari
Sanghatana, through
its President,
Bharat s/o Malujirao Tangade ..Petitioner

Vs.

The State of Maharashtra ..Respondents
and others

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Mr.A.R. Gaikwad, Advocate for the petitioners
Mr.A.P.Basarkar, AGP for respondent nos.1 to 3

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : APRIL 26, 2017

PER COURT :

Mr.Basarkar, the learned A.G.P. for the respondents has raised a preliminary objection. Relying on the judgment of the Apex Court in the case of **L. Chandra Kumar Vs. Union of India and others, 1997 (2) SCR 1186**, he submits that the vires of the Rules and Notifications can be assailed before the Tribunal.

2. In view of the above, though Mr. Gaikwad, the learned counsel for the petitioner sought to canvass submissions on merits, we are not inclined to consider the same.

3. The Writ Petition is disposed of with liberty to the petitioner to avail alternate remedy. All contentions of the parties are kept open.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]