

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

**WRIT PETITION NO.4735/2017**

**Ajitpalsingh s/o Nirmalsingh Khalsa**

**...Versus...**

**State of Maharashtra, through its Secretary, Department of School Education**  
**and Sports, Mantralaya, Mumbai – 32 and another**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Shri P.J. Mehta, Counsel for the petitioner  
Shri K.L. Dharmadhikari, AGP for the respondent no.1

**CORAM : SMT. VASANTI A NAIK AND**  
**ARUN D. UPADHYE, JJ.**

**DATE : 24.07.2017**

By this petition, the petitioner challenges the recruitment process initiated by the Maharashtra Public Service Commission for recruitment to the post of Assistant Motor Vehicle Inspector as being illegal. In the alternative, the petitioner has sought a direction to the M.P.S.C. to call for and verify the certificates of all the candidates that had applied for the posts of Assistant Motor Vehicle Inspectors.

Shri Dharmadhikari, the learned Assistant Government Pleader appearing for the respondent no.1 states that it is apparent from the averments made in the writ petition that the petitioner has filed an original application before the Maharashtra Administrative Tribunal challenging the selection process. It is stated that by filing this writ petition, the petitioner

is trying to avail two remedies at the same time. It is stated that the writ petition is liable to be dismissed on this short ground.

We uphold the preliminary objection raised on behalf of the respondent no.1 and decline to entertain the writ petition. If the petitioner has challenged the recruitment process initiated by the respondent no.2 before the Maharashtra Administrative Tribunal and if the said original application is pending before the Tribunal, the petitioner could not have filed this writ petition. The petitioner should have elected one of the two or more available remedies. As rightly submitted on behalf of the respondent no.1, the petitioner cannot avail two remedies at the same time.

The writ petition is disposed of with no order as to costs. The points raised in the petition are kept open.

**JUDGE**

**JUDGE**

Wadkar