

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15106 OF 2017

Devendra Ramesh Dandgavhal and others .. **Petitioners**

Versus

The State of Maharashtra and another .. **Respondents**

Shri N. D. Meshram h/f Shri Vivek U. Jadhav, Advocate for the
Petitioners.

Mrs. Vaishali Patil-Jadhav, A.G.P. for Respondents.

CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.

DATE : 1st February, 2018

PER COURT :

1. Learned A.G.P. raises a preliminary objection that the petitioners have remedy before the Maharashtra Administrative Tribunal.

2. It is not disputed that petitioners are Government Employees and are claiming seniority from the date of their first appointment on contract basis.

3. The learned advocate for the petitioner submits that this court can entertain the present writ petition being a service matter and as some service matters are entertained by this court and other Benches of this court.

4. Rule of alternate remedy is a rule of self restraint. It is in exceptional cases this court invokes its jurisdiction under Article 226 of the Constitution of India in spite of availability of alternate remedy, but the same is not as a matter of course.

5. Considering the above, the writ petition is disposed of with liberty to the petitioners to avail the alternate remedy. All contentions are kept open. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

marathe/Jan.18