

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

M.C.A. NO.643/2018

IN

WRIT PETITION NO.3309/2018 (D)

Vaishali Ramesh Gajbhiye

..Vs..

State of Maharashtra and others

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

Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI AND Z.A.HAQ, JJ.
DATED : 3.7.2018.

1. Heard Advocate Shri M.V. Bute for applicant and Ms. H.N. Prabhu, learned A.G.P. for respondent Nos.1 and 3.

2. For reasons disclosed on affidavit, we recall order dated 18.6.2018 and restore writ petition to file.

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3. Heard Advocate Shri M.V. Bute for petitioner and Ms. H.N. Prabhu, learned A.G.P. for respondent Nos.1 and 3.

4. Advocate Bute is relying upon order dated 11th June, 2018 passed in Writ Petition No.1697/2018 as also judgment given in case of *Sadashivrao S/o Gopal Dhamankar V/s. The State of Maharashtra and others* reported at **2000(2) Mh.L.J.233** to demonstrate that remedy under Section 19 of Administrative Tribunals Act cannot operate as bar.

5. When we passed order on 11th June, 2018 in Writ Petition No.1697/2018 bar was not pointed out to us. It is only an order in motion hearing, therefore, it does not lay down any law. Reported judgment given in case of *Sadashivrao S/o Gopal Dhamankar V/s. The State of Maharashtra and others* (supra) in paragraph No.7 accepts availability of alternate remedy but then, in facts, finds that such remedy is not absolute bar to exercise of jurisdiction under Article 226 of Constitution of India.

6. In the present matter before dismissing writ petition for want of prosecution we had already pointed out alternate remedy.

7. Hence, with liberty to petitioner to take recourse to alternate remedy and keeping all contentions open, we **dispose of** writ petition. No costs.

JUDGE

JUDGE