

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11379 OF 2019

MAGASVARGA KARMACHARI ADHIKARI
SURAKSHA MAHASANGHA THROUGH
PRESIDENT AND ANOTHER ...PETITIONERS

VERSUS

THE STATE OF MAHRASHTRA
AND OTHERS ...RESPONDENTS

Mr. Vivek Dhage, Advocate holding for
Mr. P.V. Suryawanshi, Advocate for Petitioners
Mr. S.G. Karlekar, AGP for Respondents-State

**CORAM : S.V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 19th SEPTEMBER, 2019

ORAL ORDER:

1. The learned Counsel for the petitioners submits that the advertisement issued is in gross violation of the reservation policy.
2. The learned Counsel submits that no reservation is provided out of 122 posts advertised to be filled in. The learned Counsel submits that in respect of alternate remedy, this Court can entertain the writ petition. The learned Counsel relies on the Judgment of the Apex Court in case of ***Harbanslal Sahnia and anr. Vs. Indian Oil Corporation and Ors. reported in 2003 AIR SCW 126.***

3. We have heard the learned Assistant Government Pleader.

4. The rule of alternate remedy is a rule of self-restraint. The Maharashtra Administrative Tribunal is functioning and is competent to deal with the grievance put forth by the petitioners. The petitioners have an efficacious alternate remedy available. The hardship would not be caused to the petitioners if the petitioners are relegated to the alternate remedy before the Maharashtra Administrative Tribunal, Aurangabad.

5. The matter before the Apex Court in case of *Harbanslal Sahnia (supra)* was vis-a-vis the alternate remedy before the Arbitrator in arbitration proceedings.

6. The petitioners have remedy before the statutory Forum created for resolving the disputes of the present nature.

7. In light of that, we dispose of the writ petition with liberty to the petitioners to avail the alternate remedy. All contentions are kept open. No costs.

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

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