

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

942 WRIT PETITION NO.7757 OF 2021
WITH CA/9388/2021 IN WP/7757/2021

ARUN SHEKUJI MORE
VERSUS
THE COMMISSIONER / ADMINISTRATOR AURANGABAD
MUNICIPAL CORPORATION AND OTHERS

...

Advocate for Petitioner : Mr. Avinash R. Salve
Adv. for Respondent Nos.1 and 2 : Mrs. Anjali Bajpai Dubey
Adv. For respondent No.3 : Mr. Parag V. Barde.

CORAM : A.S. GADKARI & S.G. MEHARE, JJ.
DATE : 11TH JANUARY, 2022.

P. C. :-

- 1] Heard learned counsel for the parties herein.
- 2] At the outset, learned counsel for respondent Nos. 1 and 2 raised a preliminary objection and submitted that, the petitioner without approaching said respondents at the first instance, by way of filing representation is seeking deemed date of promotion to the post of Junior Engineer, has impugned Office Order dated 23.3.2020, by directly approaching this court invoking its jurisdiction under Article 226 of the Constitution of India. She submitted that a specific plea in that behalf has been taken in their affidavit in reply dated 26.10.2021 filed by Mr. Santosh Telange, i.e. the respondent No.2 herein.
- 3] We find substance in the argument advanced by learned counsel for respondent Nos. 1 and 2. It is a fact on record that, the petitioner, without availing the said remedy, has directly approached this court for the grievance more specifically mentioned in the body of

petition and prayer clauses.

4] In view thereof, learned counsel for the petitioner submitted that, the petitioner will file an exhaustive representation with the respondent No.1 within a period of one week from today.

If such a representation is filed by the petitioner, respondent No.1 is directed to consider it as per the provisions of law, within a period of 8 weeks therefrom.

It is made clear that if the respondent No.1 feels it necessary to hear the respondent No.3 herein in the matter, he is at liberty to do so.

5] In view of the above, by relegating the petitioner to adopt said remedy, petition is disposed off.

In view of disposal of writ petition, Civil Application No. 9388 of 2021 does not survive and is accordingly disposed off.

[S.G. MEHARE]
JUDGE

[A.S. GADKARI]
JUDGE.

grt/-