

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO.10308 OF 2022

SACHIN UTTAM SHINDE AND OTHERS
VERSUS
VRUSHALI BALKRISHNA TAMBE AND OTHERS

...
Advocate for Petitioners : Mr. Dixit Sushant V.
AGP for the respondent – State : Mr. A.S. Shinde
...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 4 OCTOBER 2022

ORAL ORDER (SANDEEP V. MARNE, J.) :

The petitioners challenge the judgment and order dated 17-11-2021 passed by the Maharashtra Administrative Tribunal Bench at Aurangabad in Original Application no. 57 of 2020. The Original Application was instituted by respondent no. 1 herein challenging her position in the seniority list. By the impugned judgment and order, the Tribunal has issued directions to place the name of the respondent no. 1 in the seniority list in accordance with Rule 9 of the Range Forest Officer in the Maharashtra Forest Services Group B (Gazetted) (Recruitment) Rules, 2014, as notified on 05-02-2015.

2. Petitioners claim to be aggrieved by the decision of the Tribunal. They were not impleaded as party respondents in the

Original Application. Therefore, they have filed the present petition assailing the impugned judgment and order of the Tribunal.

3. In *K. Ajit Babu and others Vs. Union of India and others*; AIR 1997 SC 3277, it has been held that if a person is adversely affected by earlier judgment of the Tribunal, he has remedy of filing fresh Original Application before the Tribunal. Thus, the petitioners would have a remedy of filing a fresh Original Application before the Tribunal and to urge the Tribunal to take a different view than the one taken in the impugned judgment and order.

4. We, therefore, decline to entertain present petition keeping open the liberty to the petitioner to approach the Tribunal by filing fresh Original Application.

5. If such Original Application is filed, the same be decided by the Tribunal on its own merits.

6. Petition is disposed of. All the contentions are left open.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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