

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4980 OF 2021

Smt. Manisha Jamdade and Ors. } Petitioners
Versus
State of Maharashtra and Ors. } Respondents

Mr. Abhijeet Desai i/b. Desai Legal for the petitioners.

Mr. P. P. Kakade, Government Pleader with Mr. B. V. Samant, AGP for State.

Mr. N. V. Bandiwadekar i/b. Ms. Ashwini N. Bandiwadekar for the applicant in IAST/14800/2022.

**CORAM: DIPANKAR DATTA, CJ. &
 M. S. KARNIK, J.**

DATE: AUGUST 25 2022

P.C.:

1. The petitioners before this Court are admittedly State Government employees. They have invoked the writ jurisdiction of this Court feeling aggrieved by the inaction of the respondents to grant them promotion.
2. An objection to the maintainability of the writ petition has been raised by Mr. Samant, learned AGP appearing for the respondents relying on our decision dated 4th March 2022 in Writ Petition No. 2270 of 2021 (**Gaurav Ganesh Das Daga and Ors. vs. Maharashtra Public Service Commission**).
3. After arguing the matter for some length, Mr. Desai, learned advocate for the petitioners has left the matter to the discretion of the Court. However, he submits that since the

writ petition was entertained by the coordinate Bench of this Court and an order of *status quo* is in operation from 21st December 2021, such order may be continued for a reasonable period to enable the petitioners seek relief from the appropriate forum.

4. This Court had no jurisdiction to receive and entertain the writ petition, a *fortiori*, to grant interim relief in view of the provisions contained in section 15 and section 19 of the Administrative Tribunals Act, 1985. The remedy of the petitioners lay in approaching the Maharashtra Administrative Tribunal and if at all the decision were adverse to their interest, they could have invoked the writ jurisdiction of this Court adhering to the law laid down by the Supreme Court in **L. Chandra Kumar vs. Union of India**, AIR 1997 SC 1225. However, approaching this Court directly without exhausting the remedy before the Tribunal is impermissible in law. This aspect of the matter has been dealt with in detail in the decision in **Gaurav Ganesh Das Daga** (supra).

5. The writ petition, not being maintainable, is dismissed. No costs. The petitioners will be at liberty to approach the Tribunal in accordance with law.

6. Once the writ petition has been dismissed, there is no question of granting any interim relief. It is well known that an interim relief is granted only in aid of the principal/final relief. When the principal/final relief cannot be granted on any proceedings and the same stands terminated, the Court cannot grant any interim relief. If any authority is required, we may profitably refer to the decision of the Supreme Court in **State of Orissa vs. Madan Gopal Rungta**), AIR 1952 SC

12. We, therefore, see no reason to continue the interim relief granted earlier. The prayer of Mr. Desai stands rejected.

SALUNKE
J V

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(M. S. KARNIK, J.)

(CHIEF JUSTICE)