

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.10387 OF 2022
WITH
CIVIL APPLICATION NO.215 OF 2023
IN WP/10387/2022**

**DIGAMBAR BABURAO MULE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

**Advocate for the Petitioner : Shri Choudhari Yuvraj S.
AGP for Respondents 1 and 2 : Shri P.S. Patil**

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 06th February, 2023

Per Court :-

1. The learned AGP raises an objection that since the petitioner is desirous of participating in the selection process to be conducted by the Maharashtra Public Service Commission and the challenge to the Government Resolution is aimed to facilitate the introduction of reservation for a particular handicap category, which would enable the petitioner to seek employment, this matter would lie before the learned Maharashtra Administrative Tribunal.

2. This Court (Coram : Dipankar Datta, CJ (as His Lordship then was) and M.S. Karnik, J.) has concluded in *Gaurav Ganesh Das Daga and others vs. Maharashtra Public Service Commission and another, 2022 (2) Bom.C.R. 646*, that when this Court does not have jurisdiction and the Tribunal can consider the challenge, the parties should be relegated to the learned Tribunal. So also, Section 15 r/w Section 3(q) of the Administrative Tribunals Act, 1985, would render this petition before the learned Tribunal.

3. In view of the above, **this Writ Petition is disposed off from the file of this Court.** The Registry is directed to transmit the entire file to the learned Maharashtra Administrative Tribunal at Aurangabad, expeditiously.

4. The Civil Application does not survive and stands disposed off.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)