

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

**WRIT PETITION NO. 8092 OF 2023**

Prashant Sahebrao Jadhav

...Petitioner

*Versus*

Inter-University Centre for  
Astronomy and Astrophysics & Ors.

...Respondents

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Mr. Anil Anturkar, Senior Advocate a/w Mr. Vaibhav Kulkarni, for  
the Petitioner.

Ms Kalyani Pathak, for Respondent No. 1.

Mr. Neel Helekar a/w Mr. Ashutosh Gole, for Respondent No. 2.

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**CORAM : DHIRAJ SINGH THAKUR AND  
SANDEEP V. MARNE, JJ.**

**DATE : 03<sup>rd</sup> JULY, 2023.**

**P.C.:**

. Affidavit-in-reply has been filed by learned Counsel for  
Respondent No. 1 and the same is taken on record.

2. The Petitioner challenges the order of dismissal dated 12<sup>th</sup>  
June 2023. Learned Counsel for Respondent No. 1 questions the  
maintainability of the present petition in the light of the fact that  
there is an alternate remedy by way of an appeal which is available  
to the Petitioner in terms of clause 3.12 of the service conditions.

3. Mr. Anturkar, learned Senior Advocate submits that although there is an appeal provision however during the pendency of the appeal the Petitioner is likely to be evicted from the official accommodation which was provided to the Petitioner and, therefore, no interim relief by way of protecting the possession over the official accommodation can be provided by the Appellate Authority, assuming such a remedy was availed by the Petitioner.

4. Having considered the issue, we are of the opinion that it would be appropriate for the Petitioner to avail the alternate remedy by way of filing an appeal.

We dispose of this petition by observing that the appeal will be preferred within one week from today and the same shall be disposed of on its own merits, preferably within a period of three months. However, till such time as the appeal is decided the Petitioner be not evicted from the official accommodation.

All issues are kept open to be decided.

(SANDEEP V. MARNE, J.)

(DHIRAJ SINGH THAKUR, J.)