

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9114 OF 2023

Sweety Premchand Katekar

.. Petitioner

Vs.

The Secretary, Staff Selection Board & Ors.

.. Respondents

- Mr. M.M. Vashi, Senior Advocate a/w. Ms. Manisha Desai i/b. M/s. M.P. Vashi & Associates, for the Petitioner.
- Mr. H.S. Venegaonkar a/w. Mr. Harsh Dedhia & Ms Priya Dubey, for Respondent No.2.

**CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ**

DATE : 22nd AUGUST, 2023

P.C. :

1. Heard this matter for some time. However, as rightly submitted by the learned counsel for the Union Territory, the issue involved in this petition can be entertained, heard and decided by the Administrative Tribunal in view of the fact that it is something which concerns a SC category post under the Union Territory governed by Section 14(a) of the Administrative Tribunals Act, 1985 (hereinafter referred to as the “Act of 1985”) and therefore, the petitioner would have to take recourse to the statutory remedy so available under the Act of 1985.

2. Learned Senior Advocate for the petitioner, upon instructions, states that the petitioner would avail of the statutory remedy under the

Act of 1985; but considering the *prima facie* merits of the matter, this Court may grant interim relief to the petitioner or otherwise great prejudice will be caused to her.

3. We are of the view that the request so made could be considered as reasonable in view of facts of this case and so it can be granted. Accordingly, we dispose of the petition as being not entertainable by this Court with liberty to the petitioner to take recourse to the statutory remedy as available under the Act of 1985, in accordance with law within a period of one week from the date of this order. Meanwhile, we direct the respondents to not fill up one post of Assistant Teacher Primary for a period of one week from the date of this order.

4. We make it clear here that if any request is made by the petitioner for continuation of the interim relief or grant of interim relief afresh, same shall be decided by the Administrative Tribunal on its own merits without being influenced by the observations made hereinabove.

5. The petition is disposed of in the above terms.

[FIRDOSH P. POONIWALLA, J.]

[SUNIL B. SHUKRE, J.]