

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12744 OF 2023

Teklal Kumar Das ... Petitioner.

V/s.

The Chairman
The Union Public Service Commission,
New Delhi and Ors. ... Respondents.

.....

Mr. Bhushan Tayade for the Petitioner.
Mr. Niranjan P. Shimpi for Respondent Nos. 3 to 5.

.....

CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.

DATE : 4 December 2023.

P.C. :

On 7 November 2023, the following order was passed:

“ None appears for the Petitioner.

2. The learned Senior Advocate for Respondent Nos. 3 to 5 seeks time to take instructions.

3. The Petitioner, as the prayers and pleading would show, is desirous of being appointed in the services of the Union. That being so, the Petitioner would have to

approach the Central Administrative Tribunal being the Court of first instance as per the constitutional scheme.

*4. While we defer the hearing at the request of the learned Senior Advocate for Respondent Nos. 3 to 5 to **4 December 2023**, the Petitioner will consider this aspect so as to avoid any further delay.”*

2 The learned Counsel for the Petitioner states that an alternate remedy of approaching the Tribunal should not be considered as a bar, for entertaining this Writ Petition. This argument is entirely misconceived. The approach to the Tribunal in service matters against the State is not an alternate remedy but as per the constitutional scheme, it is a Court of first instance. The Writ Petition is accordingly disposed of. If any Original Application is filed, it will be considered on its own merits.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)