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

WRIT PETITION NO. 13348 OF 2023

Rekha Tatoba Jagtap

... Petitioner

V/s.

State of Maharashtra and Ors.

... Respondents

Mr. Ajit J. Kenjale with Sai R. Kadam i/b. Suraj J. Bansode for the
Petitioner

Mr. B.V. Samant, Addl. G.P. with Ms. R.A. Salunkhe, AGP for the
Respondent - State

***CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.***

DATE : 01 NOVEMBER 2023

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner has challenged the order passed by the Maharashtra Administrative Tribunal dismissing the Miscellaneous Application No. 148 of 2022 in Original Application No. 879 of 2021, filed by the Petitioner seeking condonation of delay of seven years and ten months in filing the Original Application.

3. In the Original Application the Petitioner had sought appointment to the post of Police Constable pursuant to the advertisement dated 30 April 2014 issued by the State of Maharashtra. The Petitioner also challenged the appointments of the selected candidates whose appointment list was published on 8 August 2014, 16 August 2014, 30 August 2014 and 30 October 2014. The Tribunal found that the delay was not explained and therefore rejected the application for condonation of delay. The learned Counsel for the Petitioner submitted that the Petitioner had filed a Writ Petition in this Court and thereafter, this Court directed the Applicant to approach the Tribunal. Secondly, it is contended that the Petitioner had made various representations which had gone unanswered and there was a delay in approaching the Tribunal.

4. As regard the order passed by the Division Bench of this Court in Writ Petition No. 4915 of 2021, it only records the statement of the Petitioner that he would pursue the remedy before the Administrative Tribunal and liberty was granted to avail it as per law. It is settled position that, as per the constitutional scheme in respect of service matters relating to the State, the Administrative Tribunal is the Court of first instance and not merely a question of availability of an alternate remedy. The order of the Division Bench therefore will have to be understood in that context and it cannot mean that the delay in approaching the Tribunal gets obliterated. The delay still will have to be considered in the context of the

original cause of action which arose in the year 2014. Mere repeated representations will not aid the Petitioner.

5. Not only the Petitioner challenges the advertisement but the appointments of the selected candidates who have been as of today working for nine years. Considering this position, we do not find that the Tribunal has taken a view that can termed as perverse to interfere in the writ jurisdiction.

6. The Writ Petition is accordingly rejected.

MANJUSHA DESHPANDE, J.

NITIN JAMDAR, J.

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