

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

WRIT PETITION NO. 373 OF 2024

Habib Rasul Sayyad

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

**WITH
WRIT PETITION NO. 413 OF 2024**

Dinkar Vishnu Jagtap

...Petitioner

Versus

The State of Maharashtra And Ors.

...Respondents

Mr. Shyamsundar Solanke i/b PNP & Associates for the Petitioners.
Mr. M.M. Pabale, AGP for the Respondent/State in WP/373/2024.
Mr. V.M. Mali, AGP for Respondent/State in WP/413/2024.

**CORAM : NITIN JAMDAR AND
M.M.SATHAYE, JJ.**

DATE : 16 JANUARY 2024

P.C. :

. The learned AGP takes a preliminary objection that since the Petitioners are raising a dispute in respect of the services of the State and are seeking directions to the State Government, they have to approach the Maharashtra Administrative Tribunal.

2. Recourse to the Administrative Tribunal established under the Administrative Tribunals Act is not a facet of alternate remedy, but in respect of the matters relating to the services in the State, Tribunal is the Court of first instance as per the constitutional scheme as held by the Constitution Bench in case of *L. Chandra Kumar v/s. Union of India and Ors.*¹. Therefore, it is open to the Petitioners in case the Petitioners approach to the Maharashtra Administrative Tribunal.

3. In case any aspect of delay arises, we have no doubt that the Tribunal will consider that the Writ Petitions were pending in this Court.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)

¹ (1997) 3 SCC 261