



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 5036 of 2024

Sandeep Ashok Raut and anr.

vs.

Union of India, through its Secretary, Railway Ministry, (Railway Board), New Delhi
and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. D.L.Dharmadhikari, Advocate with Mr. R. M. Pande, Advocate for petitioners.
Mr C.J.Dhumne, ASGI, for respondents.

CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE :- 2nd SEPTEMBER, 2024

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We have heard Mr. Dharmadhikari, learned counsel for the petitioners on preliminary objection of availability of effective alternate remedy.

2. The prayer in the petition is, for issuance of directions/declaration that the list of non-eligible candidates (Annexure-III) dated 08.06.2024 be declared as null and void or may be quashed and set aside.

3. The petitioners have an alternate remedy of approaching before the Central Administrative Tribunal (CAT).

4. Mr. Dharmadhikari, learned counsel, would invite our attention to the observations made in paragraph 27 wherein principle of law which emerges from the discussion and observations in the matter of *Radha Krishnan Industries vs. State of Himachal Pradesh and others* [(2021) 6 SCC 771] is referred to. According to him, it is only self impose restriction and not a rule that the High Court should not exercise jurisdiction in the cases like the present one.

5. Admittedly, the petitioners have remedy of approaching before the Central Administrative Tribunal against the order impugned. In our opinion, such remedy is an effective alternate remedy as all the grievances of the petitioners can be looked into by the Tribunal. Even otherwise, if the petition is entertained here, the respondents will be losing their chance of questioning the judgment of the Tribunal, if the same goes adverse to their interest.

6. That being so, the writ petition stands disposed of with liberty to the petitioners to take recourse to an alternate remedy before the Central Administrative Tribunal.

7. If the petitioners approach the Central Administrative Tribunal, we make the selection pursuant to the earlier selection process subject to outcome of the proceedings to be taken up before the Central Administrative Tribunal provided the proceedings are taken up within a period of one week.

8. Order accordingly. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.