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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010406912026

+ **W.P.(C) 12592/2026 & CM APPLs. 58460/2026, 58461/2026, 58463/2026, 58464/2026, 58462/2026**

SUNIL JINDAL

.....Petitioner

Through: Mr. Kirtiman Singh, Senior Advocate
with Mr. Rhishabh Jetley, Mr. Yash
Tripathi and Mr. Maulik, Advocates.

versus

**UNION OF INDIA THROUGH SECRETARY MINISTRY OF
ROAD, TRANSPORT AND HIGHWAYS & ANR.**

.....Respondents

Through: Mr. Apoorv Shukla, CGSC with Ms.
Ilashri Gaur, Advocate for R-1.
Mr. Apoorv Kurup, Senior Advocate
with Mr Nirvikar Verma, Advocate
for R-2.

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER
31.08.2026**

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1. This writ petition seeks the following relief:

- "a. *Issue a Writ of Mandamus or any other appropriate writ, order or direction directing the Respondents to disclose the criteria for selection to the post of Chief General Manager (Technical) in NHAI, and to produce the complete records of all SCSC meetings held since 2017 for the post of CGM(T) in NHAI, including the individual assessment sheets, score cards, minutes in their entirety, criteria applied, and comparative evaluations;*
- b. *Issue a Writ of Mandamus or any other appropriate writ, order or direction directing the Respondents to frame a transparent,*



objective, and legally compliant selection policy for the said post, in accordance with the DoPT O.M. dated 08.02.2002 and other applicable DoPT instructions, and in conformity with Articles 14 and 16 of the Constitution of India, within a timebound period as may be specified by this Hon'ble Court, and restraining the Respondent from conducting or continuing any further round of SCSC for the posts, till such policy/criteria is framed;

- c. *Issue a Writ of Mandamus or any other appropriate writ, order or direction to disclose the actual parameters applied in the impugned SCSC selections (2020-2024), and to re-evaluate and assess the Petitioner's candidature for the post of CGM(T) strictly in accordance with the newly framed objective criteria, and if found fit, grant all consequential benefits from the date of selection of his juniors; and if no objective criteria is framed or provided by the Respondents then consider the Petitioner for selection as per the seniority list of that year from all eligible candidates of NHAI;"*

2. At the outset, Mr. Apoorv Kurup, Senior Counsel for the Respondents, objects to the maintainability of the present petition. It is submitted that the Petitioner's grievance concerns his non-selection to the post of Chief General Manager (Technical) in National Highway Authority of India, which is a notified organisation under Section 14 of the Administrative Tribunals Act, 1985. The dispute therefore falls within the jurisdiction of the Central Administrative Tribunal ["CAT"]. Reliance is placed on the decision of the Supreme Court in ***L. Chandra Kumar v. Union of India & Ors.***,¹ wherein it was held that, in areas for which Tribunals have been constituted, they are to function as courts of first instance. The jurisdiction of the High Court under Articles 226 and 227 remains unaffected, but is ordinarily exercised after the matter has first been considered by the Tribunal.

3. In view of the aforesaid objection, Mr. Kirtiman Singh, Senior Counsel for the Petitioner seeks leave to withdraw the present petition, with



liberty to approach the CAT in accordance with law. He, however, points out that the Petitioner's representation dated 27th January, 2026, followed by a reminder dated 26th March, 2026, seeking, *inter alia*, disclosure of the criteria for selection to the post of CGM(T) and review of his non-selection in the previous selection processes, remains pending with the Respondents.

4. Accordingly, without expressing any opinion on the merits of the Petitioner's grievances, the Respondents are directed to consider and decide the aforesaid representation within a period of ten days from today. It is clarified that the decision so taken, as well as the other grievances raised in the present petition, may be assailed by the Petitioner before the CAT, in accordance with law.

5. Leave and liberty as prayed for are granted. All rights and contentions of the parties are left open.

6. The petition is disposed of as withdrawn, along with pending applications, if any.

SANJEEV NARULA, J

AUGUST 31, 2026

as

¹ (1997) 3 SCC 261.