

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12971 of 2014

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Suraj Kumar, S/o Suresh Prasad, Villge-Prahlad Nagar, P.O. Duruara, P.S. Noorsarai, District-Nalanda, State-Bihar

.... Petitioner/s

Versus

1. The Union of India
2. Home Secretary, Government of India, New Delhi
3. Law Secretary, Government of India, New Delhi
4. Secretary, Defence Ministry, Government of India, New Delhi
5. Colonel, Army Recruitment Board, Gaya

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Indradeo Prasad, Advocate
For the Union of India : Mr. Rajesh Kumar Verma, C.G.C.
For the Respondent/s : Mr. N. A. Shamsi (A.S.G.)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 14-05-2015 The petitioner had filed his application for appointment to the post of Clerk in the Indian Army. He was not selected and grievance of the petitioner is that his representation filed on 5.7.2014 before the Colonel, Recruitment Board, Gaya has not been disposed of.

M. Rajesh Kumar Verma, learned Central Government Counsel with reference to the Central Administrative Tribunal Act, 1985 and with particular reference to Section 14(1) and 14(3) thereof submits that the remedy for the petitioner would lie before the Central Administrative Tribunal. It is submitted that though the petitioner is claiming appointment under the Indian Army but since the category to which the claim has been put forth, is the

post of a Clerk which is a civil post in the defence service, the proper forum for seeking such relief would be the Central Administrative Tribunal.

Having heard learned counsel for the parties and considering the nature of grievance raised herein, the writ petition is disposed of with a liberty to the petitioner to raise his grievance before the appropriate forum, if so advised.

(Jyoti Saran, J)

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