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

+ **W.P.(C) 8523/2015**

SATYAVIR KUMAR KAUSHIK Petitioner

Through: Mr. Manu Parashar & Mr. Charanjeet Singh,
Advocates with petitioner in person.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Deepak Vohra & Mr. Abhinav
Agnihotri, Advocates for R-1 & 4.
Mr. R.K. Gupta, Advocate for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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07.12.2016

1. During the course of hearing, the learned counsel for the petitioner, on instructions, states that he is not pressing the first three prayers made in the writ petition. He would, however, press the fourth prayer which is for issuance of directions to All-India Institute of Medical Sciences to frame appropriate recruitment rules for the post of General Manager.
2. A reading of the impugned order would reflect that this prayer was not raised or examined by the Tribunal.
3. At this stage, learned counsel for the petitioner seeks permission to withdraw the present writ petition with liberty to file a fresh Original Application, if so advised, raising the issues and claims

relating to the fourth prayer only.

4. The writ petition is accordingly dismissed as withdrawn with liberty as prayed for. We clarify that in case a fresh Original Application is filed, the same would not be dismissed on the ground of constructive *res judicata*. However, this court has not expressed any opinion on merits of the submissions made by the petitioner and also on the scope of the Tribunal or the court, to go into the aspect raised.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

DECEMBER 07, 2016
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