

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI*

WRIT PETITION No.13714 of 2017

ORDER: (per SK,J)

This writ petition is filed with the following prayer:

'For the reasons stated in the accompanying affidavit it is prayed that this Court may be pleased to issue any appropriate writ, order or direction more particularly one in the nature of "Writ of Mandamus" declaring the action of the Respondents in rejecting/seeking to reject the Petitioner as a valid candidate and declaring/seeking to declare the Petitioner as being unfit for Civil Services on the ground of deficiency of hearing including by passing the order vide F.No. 22012/94/2015-AIS-1 dated 28.06.2016 by the 2nd Respondent as arbitrary, illegal and unconstitutional and set aside the same and consequently direct the Respondents to consider the Petitioner as a valid and fit candidate for allotment of a post for the Civil Services and pass such other or further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.'

Admittedly, the petitioner earlier approached the Central Administrative Tribunal, Hyderabad Bench, *vide* O.A.No.1060 of 2015. Pursuant to the orders dated 01.04.2016 passed therein, she was examined by the All India Institute of Medical Sciences, New Delhi, and the Under Secretary to the Government of India, Department of Personnel and Training, Government of India, issued order dated 28.06.2016 holding to the effect that the petitioner was unfit for all services in terms of the Civil Services Examination (CSE) Rules, 2014.

Sri Tarun G. Reddy, learned counsel for the petitioner, would contend that though the petitioner has not challenged the aforestated order dated 28.06.2016, her apprehension is that she would be subjected to the same treatment in relation to her appearance for the Civil Services Examination, 2016.

Sri B.Narasimha Sarma, learned Standing Counsel, on the other hand, would contend that the writ petition is not maintainable.

We are inclined to agree as the order dated 28.06.2016 and the appearance of the petitioner at the subsequent Civil Services Examination in the year 2016 would give rise to fresh causes of action and it is not open to her to approach this Court straight away. In the light of the law laid down by the Supreme Court in L. Chandra Kumar v. Union of India¹, the Tribunal is the Court of the first instance in so far as service disputes and recruitment to Central Government services are concerned and the petitioner would necessarily have to approach the Tribunal and invite a decision, be it at the interlocutory or the final stage, before invoking the extraordinary jurisdiction of this Court.

The writ petition is accordingly dismissed on the ground of maintainability. It is left open to the petitioner to avail appropriate remedies before the proper forum in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE N.BALAYOGI

Date:21.04.2017

GJ

¹ (1997) 3 SCC 261