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

Date of decision: 12th September, 2018

+ W.P.(C) 9563/2018 & CM Nos. 37205-37206/2018

LATIKA DESWAL

..... Petitioner

Through : Mr. Manoj Gupta, Mr. Pranav
Jain, Mr. Sudhanshu Arya and
Mr. Bhanu Kathpalia, Advs.

versus

KENDRIYA VIDYALAYA SANGATHAN Respondent

Through : Mr. S. Rajappa, Adv. for R-1
Mr. Amit Bansal and
Ms. Seema Dolo, Advs. for R-2
Mr. Dilbag Singh, Adv. for R-3

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER (ORAL)

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12.09.2018

CM No. 37205/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 9563/2018 & CM No. 32706/2018

1. Mr. Rajappa, appearing for the respondent no.1, raises a preliminary issue of jurisdiction, submitting that both respondents fall within the jurisdiction of the Central Administrative Tribunal, Principal Bench, New Delhi. Mr. Amit Bansal appearing for the CBSE, too, submits that service matters, involving the CBSE, are

amenable to the jurisdiction of the Tribunal, though cases involving examinations simplicitor would lie within the jurisdiction of this court.

2. Mr. Rajappa also submits that similar matters are pending in the Tribunal, which is exercising jurisdiction in those cases.

3. On my seeking the response, of learned counsel for the petitioner, in this regard, he emphatically submits that prayer (a) in the writ petition is outside the jurisdiction of the Tribunal, inasmuch as it seeks extension of time for candidates, who have already appeared for the CTET-II Paper, to apply and appear in the CTET-I Paper.

4. *Prima facie*, I am not convinced with this argument. The necessity of appearing in the CTET-I Paper is because as the qualifying in the said examination has been stipulated as one of the criteria, to apply for the post of primary teacher in the Kendriya Vidyalaya Sanghathan. In my view, therefore, *prima facie*, it is not possible to dissociate the prayer for extension of time to appear in the CTET-I Paper with the prayer for recruitment as PRT in the Kendriya Vidyalaya Sanhathan.

5. The matter would, therefore, *prima facie* lie within the jurisdiction of the Tribunal.

6. At this stage, learned counsel for the petitioner prays for leave to withdraw this writ petition with liberty to approach the Tribunal.

7. Leave and liberty, as prayed for, is granted.
8. The writ petition is dismissed as withdrawn.

C.HARI SHANKAR, J

SEPTEMBER 12, 2018/kr

