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

+ **W.P.(C) 6106/2020, CM APPL.21946/2020, CM
APPL.21947/2020 & CM APPL.21948/2020**

GALAVE MACHHINDRA UTTAM & ORS. Petitioners

Through: Mr. Darpan Wadhwa, Senior
Advocate with Mr. Ashim Shridhar,
Ms. Niyati Patwardhan and Mr.
Vijay Singh, Advocates

versus

MINISTRY OF RAILWAYS & ORS. Respondents

Through: Mr. Jagjit Singh, Senior Panel
Counsel for R-1 & R-2
Ms. Anjana Gosain, Advocate with
Ms. Shalini Nair, Advocate for R-4

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

% **08.09.2020**

The present matter has been taken up for hearing by way of Video Conferencing on account of COVID-19 pandemic.

Mr. Darpan Wadhwa, learned Senior Advocate appearing on behalf of the petitioners states that the Co-ordinate Division Benches of this Court vide orders dated 30.05.2019 and 12.09.2019 in W.P.(C) 6486/2019, titled as '*Isaivanan D & Ors. vs. Ministry of Railways & Ors.*'; W.P.(C) 6502/2019 titled as '*Abhishek Gupta & Ors. vs. Ministry of Railways & Ors.*'; and W.P.(C) 6503/2019 titled as '*Bhanwar Singh & Ors. vs. Ministry of Railways and Ors.*', have permitted the petitioners therein, who are similarly

situated as the present petitioners, to appear in the preliminary examination for CSE-2019, which is now scheduled to be held on 04.10.2020 for this year.

However, Mr. Jagjit Singh, learned counsel appearing on advance notice, on behalf of Railways states that the present writ petition is not maintainable before this Court in the first instance since the present writ petitioners were not parties in O.A. No.1567/2017 titled as '*Rehan Raza Rizvi vs. Union of India through its Secretary & Ors.*', before the learned Central Administrative Tribunal, Principal Bench, New Delhi (for short the 'learned CAT'), out of which the aforementioned orders arise and therefore, the present writ petition ought to have been filed before the learned CAT.

In view of the foregoing, Mr. Darpan Wadhwa, learned Senior Advocate appearing on behalf of the petitioners, on instructions, seeks leave to withdraw this petition with liberty to approach the learned CAT, in this behalf, in the first instance.

Leave and liberty granted.

The writ petition is dismissed as withdrawn and disposed of accordingly. The pending applications also stand disposed of.

Needless to state that, the petitioners herein shall be at liberty to invite the attention of the learned CAT to the above said orders dated 30.05.2019 and 12.09.2019 in W.P.(C) 6486/2019, W.P.(C) 6502/2019 and W.P.(C) 6503/2019, passed by the Co-ordinate Benches of this Court at the time of seeking similar relief, before the learned CAT.

A copy of this order be provided electronically to counsel appearing on behalf of the parties and be also uploaded on the website of this Court.

SIDDHARTH MRIDUL, J

TALWANT SINGH, J

SEPTEMBER 08, 2020 */dn*

[Click here to check corrigendum, if any](#)