

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15667 of 2021

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1. Syed Arif Hussain Son of Syed Shafique Hussain, R/o- Tehri Imli, Near Sayyed Urdu Girls School, Lodi Katra P.S.- Khajekalan, District - Patna - 800008.
 2. Satyajeet Kumar Son of Surya Kant Pathak, R/o - 2L/72, Bahadurpur Housing Colony, T.V. Tower, Awadh Apartment, P.S.- Bahadurpur, District - Patna - 800026.
 3. Jayant Kumar Son of Ashok Kumar, R/o Flat No. D- 3, ESIC Colony, Opposite Mithila Colony, Bataganj, Patna, P.S.- Danapur, District - Patna - 800018.
 4. Sunil Kumar Singh, Son of Ganesh Singh, R/o - 0-1, Jagat Enclave, Near Party Zone, Ashiyana Nagar, P.S.- Rajeev Nagar, District - Patna - 800026.

... .. Petitioners

Versus

1. The Union of India through the Secretary, Ministry of Labour and Employment, New Delhi.
2. The Director General, Employee's State Insurance Corporation, Panchdeep Bhawan, CIG Marg, New Delhi- 110002.
3. The Insurance Commissioner (Personnel and Administration) Employee's State Insurance Corporation, Panchdeep Bhawan, CIG Marg, New Delhi- 110002.
4. The Regional Director, Employee's State Insurance Corporation, Regional Office, Patna.
5. The Chairman, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.
6. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Fakhruddin Ali Ahmad
For the Respondent/s	:	Mr.Dr. Krishna Nandan Singh (ASG)
	:	Mr.Dr.Anshuman
	:	Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 01-11-2021 The matter relates to recruitment to the post of Deputy
Director under Employees' State Insurance Corporation,



Ministry of Labour & Employment, New Delhi pursuant to an Advertisement No. 55 of 2021 issued by the Union Public Service Commission.

Learned counsel appearing on behalf of the Corporation has raised a preliminary objection over maintainability of the writ application on the ground that the Corporation is notified under Section 14 of the Administrative Tribunal Act, 1985.

Learned counsel appearing on behalf of the petitioners has, however, submitted that an application under Article 226 of the Constitution of India is not barred despite the organization having been notified under Section 14 of the Administrative Tribunal Act.

Be that as it may, I find substance in submission made on behalf of the Corporation raising preliminary objection over maintainability of the writ application under Article 226 of the Constitution of India at the first instance in view of the fact that the petitioners are having remedy under the Administrative Tribunal Act.

This application is accordingly dismissed as not maintainable.

The petitioners shall be at liberty to approach the



Central Administrative Tribunal for the relief which the petitioners have sought in the present application.

It is indicated that if any question of limitation arises before the Central Administrative Tribunal, it is expected that the Tribunal shall consider the fact that the petitioners were pursuing their remedy before this Court by filing present writ application, while considering any application for condonation of delay.

(Chakradhari Sharan Singh, J)

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