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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: October 12, 2023

+ W.P.(C) 13491/2023

INDIAN NATUROPATHY AND YOGA GRADUATES MEDICAL
ASSOCIATION AND ANR. PetitionersThrough: Mr. Nidhesh Gupta, Sr. Advocate with
Mr. Kaustubh Shakkarwar and
Mr. Madhav Gupta, Advocates.

versus

UNION OF INDIA AND ANR. Respondents

Through: Ms. Saroj Bidawat, SPC and Mr. Amit
Acharya, G.P. for R-1.
Mr. Naresh Kaushik, Adv. for R-2.
Ms. Ritu Reniwal and Ms. Prerna
Dhall, Advocates.**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)****CM APPL. 53275/2023**

1. Exemption allowed, subject to all just exceptions.
2. Application is disposed of.

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3. The challenge in the petition is to the orders dated July 25, 2023 and September 04, 2023 passed by Central Administrative Tribunal ('Tribunal', for short) while considering the prayer of the petitioners for interim relief in O.A. No. 1671/2023, inasmuch as the post of Research Officer (Yoga) be not



filled till the hearing of the O.A.

4. We note vide order dated September 04, 2023, the Tribunal has granted time to the parties to file their reply / rejoinder. The submission of Mr. Nidhesh Gupta, learned Senior Counsel appearing for the petitioners is that petitioners have challenged the vires of the Recruitment Rules (RRs) framed for the post of Research Officer (Yoga) as the qualifications stipulated therein are at variance with the qualifications prescribed for the same post prior to the year 2021 and the said qualifications are not part of the Degrees recognized by University Grants Commission (UGC). He also submits, if the post is filled, the OA itself shall become infructuous.

5. On the other hand, Mr. Kaushik opposes the prayer made by Mr. Gupta on the ground that the RRs framed under proviso to the Article 309 to the Constitution of India, clearly stipulates the qualification for the post of Research Officer (Yoga) to be Bachelor's Degree in Yoga and Post Graduate Degree (MD) in Yoga and as such, UPSC has advertised the post with the said qualifications.

6. He submits, as long as the qualifications prescribed in the RRs have been advertised, the appointment need to be made as per those qualifications and there cannot be any deviation. That apart, he submits the process cannot be stayed, till such time the Tribunal hears the matter and decides the validity of RRs.

7. At this stage Mr. Gupta submits, appropriate shall be, for the Tribunal to decide the issue at an early date.

8. Having heard the learned counsel for the parties, we are of the view that since the OA is pending consideration before the Tribunal, the only direction that can be given is that any appointment made to the post of



Research Officer (Yoga) shall be subject to the outcome of the OA.

9. Since, Mr. Gupta has made a request for early disposal of the OA and we note that UPSC has filed its reply to the OA and respondent No. 1 need to file reply to the OA, we grant two weeks' time to respondent No. 1 to file reply to the OA and four days to the petitioners to file rejoinder to the same.

10. As we have been informed that the date of hearing before the Tribunal is October 30, 2023, we direct the Tribunal to decide the OA within two weeks from October 30, 2023.

11. The writ petition is disposed of.

V. KAMESWAR RAO, J.

MANMEET PRITAM SINGH ARORA, J.

OCTOBER 12, 2023/R