

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8147 of 2023

Amresh Kumar Son of Janardan Prasad Resident of Village-Sohanipatti,
Kumahar Toli P.S.-Buxar Town, Dist-Buxar.

... .. Petitioner/s

Versus

1. The Union of India through Secretary Education and literacy Department, Govt. of India
2. The Navoday Vidyalaya Samiti, Ministry of Education (Department School Education and Literacy) Govt. of India, B-15, Sector-62, Noida (U.P.)
3. The Deputy Commissioner Personal Nvoday Vidyalaya Samiti. (Department School Education and Literacy) Govt. of India, B-15, Sector-62, Noida (U.P.)

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Shivendra Kumar Sinha, Advocate Mr. Ranjeet Patel, Advocate
For the Union of India	:	Mr. Additional Solicitor General
For the N.V.S.	:	Mr. Siddhartha Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2024 Heard learned counsels for the parties.

2. This writ application has been filed by the petitioner feeling aggrieved of the fact that he has not been selected for the post of Mess Helper (Group-C) for which he had appeared in skill test held at the Institute of Hotel Mangement, Ramashish Chowk, Hajipur, having is work experience from 2010 up till now as Mess Helper in the respondent-Institution as ad hoc employee whereas the persons selected in the Special Recruitment Drive 2021-22 are less experienced than that of the petitioner.

3. At the outset, learned counsel appearing on behalf



of the respondent-Navodaya Vidyalaya Samiti raises preliminary objection to the effect that an alternative Statutory remedy is available to the petitioner to move before the Central Administrative Tribunal as Navodaya Vidyalaya Samiti is an institution notified under Section 14 of the Administrative Tribunals Act, 1985 and, therefore, the present writ application may be held to be not maintainable as a Tribunal has already been created under the Statute and the same is fully functional at Patna.

4. Since the petitioner has got statutory alternative remedy to move before the Central Administrative Tribunal, this Court is not inclined to interfere in the matter in its extraordinary writ jurisdiction.

5. In view of the aforesaid facts and circumstances, petitioner is directed to file appropriate application before the Central Administrative Tribunal in accordance with law.

6. In the event, such application is filed by the petitioner, the authority concerned is directed to dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order, as expeditiously as possible.

7. With the aforesaid observations and directions, this writ application stands disposed of.



8. It goes without saying that if any question of limitation arises before the Central Administrative Tribunal , the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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