



\$~19

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

% Judgment delivered on: 05.01.2024

+ W.P.(C) 138/2024

SHUBHAM PRATAP SINGH

..... Petitioner

versus

KENDRIYA VIDYALAYA SANGATHAN (KVS) & ORS

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Karan Babuta, Advocate alongwith petitioner

For the Respondents : Mr. S. Rajappa and Mr. R. Gowri Shankar, Advocates for KVS

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

(The proceeding has been conducted through Hybrid Mode)

CM APPL. 632/2024

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 138/2024 & CM APPL. 631/2024 (Stay)

3. This is a writ petition under Article 226 of the Constitution of India seeking grant of writ in the nature of Certiorari/Mandamus thereby allowing the petitioner to join the allotted school, i.e. respondent no.3 on the basis of



the documents produced by the petitioner.

4. At the outset, Mr. R. Gowri Shankar, learned counsel appearing for the respondent – Kendriya Vidyalaya Sangathan (KVS) objects to the very maintainability of the present writ petition and submits that under Section 14(2) of the Administrative Tribunal Act, 1985, the present petition is not maintainable before this Court and the petitioner would be well advised to approach the Administrative Tribunal in this regard.

5. Learned counsel also has furnished across the Bench, the judgment of a Coordinate Bench of this Court dated 26.09.2023 in W.P.(C) 9008/2023 **Piyush Tyagi vs. Kendriya Vidyalaya Sangathan**, which on similar facts had directed the petitioner therein to approach the Central Administrative Tribunal, being a forum of first instance and having competence and jurisdiction to adjudicate the service matters in relation to the recruitment, etc.

6. Mr. Karan Babuta, learned counsel appearing for the petitioner, in view of the aforesaid judgment, prays that keeping in view the time constraint, the present petition itself be remitted to the Central Administrative Tribunal as an original application, which may considered on its own merits.

7. Accordingly, in exercise of the powers of 226 conferred upon this Court by the Constitution of India and in the peculiar fact situation, the present petition be transferred/remitted to the Principal Bench, Central Administrative Tribunal, New Delhi, for being treated as an original application of the petitioner and be heard and considered and disposed of in accordance with law.

8. Accordingly, the present petition be transferred and listed before the



2024:DHC:71



Central Administrative Tribunal on 09.01.2024. The concerned Central Administrative Tribunal is requested to take up the matter on urgent basis, keeping in view the urgency in the facts of the case

9. In the meanwhile, since the KVS had extended time for joining for a period of 15 days, which is expiring today, i.e., 05.01.2024, this Court is of the considered opinion that since the matter is now being placed before the Central Administrative Tribunal, the time for joining be extended till 20.01.2024 in the interests of justice.

10. In view of the above, the petition is disposed of with no order as to costs.

11. Order *dasti* under signatures of Court Master.

TUSHAR RAO GEDELA, J

JANUARY 5, 2024

Aj