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

+ **W.P.(C) 729/2024**

ROHIT YADAV

..... Petitioner

Through: Ms. Usha Yadav and Mr. Amit
Yadav, Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms. Laavanya Kaushik, Advocate

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **19.01.2024**

(The proceeding has been conducted through Hybrid Mode)

CM APPL. 3206/2024

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

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3. Keeping in view the judgment of the Constitution Bench of the Supreme Court in *L. Chandra Kumar vs. Union of India and Others* reported in (1997) 3 SCC 261 as also the judgment of the Coordinate Bench of this Court in W.P.(C) 8146/2023 titled *Deepak & Others vs. Delhi Subordinate Services Selection Board and Another*, the present petition under Article 226 of the Constitution of India, raising the dispute regarding recruitment process, would not be maintainable being barred under Section 14 of the Administrative Tribunal Act, 1985.

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4. Keeping in view the facts in the present case as also in view of the fact that the last date for Physical Endurance Test is 20.01.2024, by virtue of the powers conferred upon this Court under provisions of Article 226 of the Constitution of India, this Court deems it fit to transfer the present petition to Principal Bench, Central Administrative Tribunal, New Delhi for considering the grievance raised by the petitioner as also in view of the fact that the emergent and urgent orders in the nature of interim relief for conducting the Physical Endurance Test of the petitioner is sought.
5. Let the present petition alongwith records be transferred forthwith, without fail, to the Central Administrative Tribunal today itself, through Special Messenger.
6. Learned Chairman, Central Administrative Tribunal is requested to mark the matter, keeping in view the urgency, before the appropriate bench to be taken up tomorrow, i.e., on 20.01.2024 as the first item in the cause list.
7. This order has been passed in peculiar facts of the case and shall not be treated as a precedent in future.
8. With the aforesaid, the petition stands disposed of.
9. Copy of order be given *dasti* under the signature of Court Master.

TUSHAR RAO GEDELA, J

JANUARY 19, 2024

Aj