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

+ **W.P.(C) 1222/2024**

OJASWI BUNDELA

..... Petitioner

Through: **Mr. Nishant Mandal and Ms. Sunita,**
Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: **Mr. Vikas Chopra and Mr. Neeraj**
Kumar, Advocates for R-3

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

05.03.2024

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(The proceeding has been conducted through Hybrid Mode)

CM APPL. 13805/2024(Seeking vacation of interim order)

1. This is an application filed on behalf of applicant / respondent no.3 under Section 151 CPC seeking vacation of interim order dated 29.01.2024 by this Court.
2. At the outset, learned counsel for the applicant/respondent no.3 submits that apart from the application, it would be relevant for this Court to note that the respondent no.3/Quality Council of India is a notified institution under sub Section 2 of Section 14 of the Central Administrative Tribunal Act, 1985. The said notification was issued on 22.04.2008.
3. On that basis, learned counsel for the applicant/respondent no.3 submits that this Court would not have the jurisdiction to hear the present writ petition.



4. In view of the aforesaid fact as also the Gazette Notification, learned counsel appearing for the non-applicant/petitioner seeks permission to withdraw the present petition with liberty to file the same, on the same cause of action before the appropriate jurisdictional Central Administrative Tribunal. He only seeks that the protection granted to the petitioner in the meanwhile be continued for some time.

5. In view of aforesaid, this Court is of the considered opinion that the writ petition itself would not be maintainable in view of the Gazette Notification and Section 14(2) of the Central Administrative Tribunal Act, 1985.

6. The petition along with the annexures and the applications are permitted to be withdrawn to be filed before the jurisdictional Central Administrative Tribunal extending the interim order for the next ten days. The learned Tribunal is requested to consider the application on their own merits as and when filed by the petitioner.

7. The Gazette Notification is taken on record.

8. Petitioner is permitted to withdraw the present writ petition and refile the same before the jurisdictional Central Administrative Tribunal without prejudice to the right and contentions raised in the present petition.

9. The next date i.e. 06.03.2024 stands cancelled.

TUSHAR RAO GEDELA, J

MARCH 5, 2024/ms