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

+ **W.P.(C) 14426/2023 and CM APPL. 37998/2024**

HANUMANT LAL PATEL AND ORSPetitioners

Through: Ms. Kanika Agnihotri, Mr. Sachin Sharma and Ms. Sonakshi Chaturvedi, Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Vineet Dhanda, CGSC with Mr. Abhishrut Singh and Mr. Abhijit Singh Kadyan, Advocates for Respondents/UOI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

19.07.2024

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1. This petition has been filed on behalf of the Petitioners seeking the following reliefs:

“(A) Issue an appropriate Writ, Order or Direction like mandamus or any other appropriate Writ directing the Respondents - UPSC to verify the disputed questions (attached to Annexure-P-8) which were out of syllabus as mentioned in the Civil Services examination Rules, 2023 and if found that those were out of syllabus then after giving proportionate distribution of marks/grace marks issue revise/fresh merit list of the Civil Service (Preliminary) Examination, 2023 and also issue direction to the Respondent - UPSC to Conduct the Civil Services (Main) Examination, 2023 to all such Eligible candidates or at least to the Eligible Petitioners Of the Instant Case and/or if not possible then provide one compensatory attempt to participate in the Civil Service Examination, 2024 in the interest of justice; and

(B) Issue an appropriate Writ, Order or Direction in the nature of mandamus or any other appropriate Writ to appoint an independent expert committee to examine within defined timeline, the disputed questions (attached to Annexure-P-8) in view of the provisions of Civil Services examination Rules, 2023 and submit a detailed report before this Hon'ble Court for necessary directions in the interest of justice.



(C) Grant such other relief(s), order(s) or direction(s) as this Hon'ble Court deems fit in the facts and circumstances of the present case and in the interest of justice and equity.

(D) pass other appropriate order.

(E) Any other or further relief/ direction/ order which your Lordships may deem fit and proper may be also passed/ issued in the facts and circumstances of the matter, in favour of the Petitioners, in the interest of justice.”

2. Petitioners are Civil Services aspirants and have filed the present writ petition *inter alia* seeking directions to UPSC to re-assess the disputed questions brought forth in the petition, which according to the Petitioners, were out of the prescribed syllabus, as per the Civil Services Examination Rules, 2023 and in case the questions are found to be out of syllabus, proportionate distribution of marks/grace marks be carried out and a revised/fresh merit list of Civil Services (Preliminary) Examination, 2023 be issued. Direction is also sought to UPSC to conduct the Civil Services (Main) Examination, 2023 for the eligible Petitioners, after the fresh merit list is issued, with respect to the Preliminary Examination.

3. From a reading of the petition and the reliefs sought, it is evident that Petitioners lay a challenge to a part of the recruitment process in respect of Civil Services Examination, 2023 conducted by the UPSC and therefore, by virtue of Section 14(1) of the Administrative Tribunals Act, 1985 and in view of the judgment of the Constitution Bench of the Supreme Court in ***L. Chandra Kumar v. Union of India and Others, (1997) 3 SCC 261***, the matter needs to be adjudicated by the Central Administrative Tribunal, as a Court of first instance.

4. Ordinarily, the Court would dispose of the petition with liberty to the Petitioners to approach the Central Administrative Tribunal afresh, however,



considering the urgent nature of the reliefs sought, since the training is to commence from September, 2024 as also looking to the fact that the writ petition was filed in the year 2023 and pleading are complete, this writ petition is transferred to the Central Administrative Tribunal, Principal Bench, Delhi for final adjudication.

5. Matter will be placed before the learned Chairman of the Central Administrative Tribunal, Principal Bench, Delhi on 05.08.2024 for appropriate order and further proceedings. Registry shall transmit the entire records of the writ petition to the Tribunal before the next date of hearing.

6. Petition stands disposed of along with the pending application, making it clear that this Court has not expressed any opinion on the merits of the case.

7. Date of 29.09.2024 stands cancelled.

JYOTI SINGH, J

JULY 19, 2024/B.S. Rohella/kks