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

+ **W.P.(C) 10602/2024 and CM APPL. 43582/2024**

RAJEEV PAL

.....Petitioner

Through: Mr. Aayush Shukla and Mr. Vikash Kumar, Advocates

versus

UNION OF INDIA, MINISTRY OF HEALTH AND FAMILY WELFARE & ORS.

.....Respondents

Through: Mr. Ripudaman Bhardwaj, CGSC with Mr. Abhinav Bhardwaj, Government Pleader and Mr. Kushagra Kumar, Advocate for UOI. Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal, Advocates for University of Delhi.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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02.08.2024

1. This writ petition has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India seeking the following reliefs:

“a) To issue a writ, orders or direction in the nature of mandamus/ certiorari quashing the impugned notice dated 11.07.2024 having F. No. A/820/2023-RR-Part(3)/141 issued by the Respondents No. 2 and 3;

AND/OR

b) To issue a writ, orders or direction in the nature of mandamus/ certiorari directing the Respondents No. 2 and 3 to consider the application and candidature of the Petitioner herein under OBC/ PWD for OH category taking into account the Petitioner has scored highest marks in the written test under the said category;

AND/OR

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c) To issue a writ, orders or direction in the nature of mandamus/certiorari directing the Respondents No. 2 and 3 to include the name of the Petitioner in fresh notice that Respondents No. 2 and 3 will subsequently issue declaring the provisionally shortlisted candidates and calling their attendance for physical verifications of documents in Nursing Attendant Level 1 post under PWD OH category in the pay matrix 18000 – 56900 in LHMC and KSCH;

AND/OR

d) To issue a writ, orders or direction in the nature of mandamus directing the Respondents to pay to the Petitioner compensation for arbitrarily and wrongfully denying the statutory rights of the Petitioner under Rights of Persons with Disabilities Act, 2016 and under the Constitution of India;

AND/OR

e) Pass such other further order(s) as this Hon'ble Court may deem fit and proper."

2. It is evident that the reliefs sought by the Petitioner are in the nature of service matter disputes and Respondents are Ministry of Health and Family Welfare, and Lady Harding Medical College, respectively, which fall within the jurisdiction of Central Administrative Tribunal by virtue of Section 14 of the Administrative Tribunals Act, 1985, present petition cannot be entertained 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.***

3. At this stage, learned counsel for the Petitioner, on instructions, seeks to withdraw the petition with liberty to approach the Central Administrative Tribunal.

4. Petition is accordingly disposed of as withdrawn, with liberty as prayed for, in accordance with law. Pending application stands disposed of.

JYOTI SINGH, J

AUGUST 02, 2024/kks/DU

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