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

+ **W.P.(C) 10793/2024 and CM APPL. 44384/2024**

ANKIT

.....Petitioner

Through: Mr. Lalit Kharya, Mr. Kumar Rahul Anand, Mr. Piyush Yadav, Mr. Himanish Rana and Mr. Saket Singh, Advocates.

versus

UNION OF INDIA AND ANR

.....Respondents

Through: Mr. Puneet Yadav, Senior Panel Counsel for Respondent/IOI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

05.08.2024

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1. The present writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

“1. Issue a writ of certiorari or any other appropriate writ, order, or direction quashing the impugned notice issued on 02.02.2024 (Annexure P/1);

2. Direct the respondents to consider the petitioner appointment on the basis of initially advertised vacant seats and merit list.”

2. A reading of the writ petition and the prayer clause shows that the Petitioner is aggrieved by his non-appointment pursuant to an advertisement dated 18.10.2023 issued by ICMR-NICHDR (National Institute of Child Health and Development Research) for appointment to the post of Technical Assistant. The dispute raised is a service matter dispute and the relief claimed is against ICMR-NICHDR, which the Court is apprised is an institute under Indian Council of Medical Research (ICMR), an organisation notified under

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Section 14 of the Administrative Tribunals Act, 1985. Hence, in view of the clear provisions of Section 14 of the said Act and 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 Central Administrative Tribunal will have the jurisdiction to decide the issues raised by the Petitioner, as a Court of first instance.

3. At this stage, learned counsel for the Petitioner seeks to withdraw the petition with liberty to take recourse to appropriate remedies before the appropriate Forum.
4. Writ Petition is disposed of as withdrawn, with liberty as prayed for, in accordance with law.
5. Pending application also stands disposed of.

JYOTI SINGH, J

AUGUST 5, 2024
B.S. Rohella

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