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

+ W.P.(C) 16251/2023 and CM APPL. 39041/2024

AYUSH YADAV

.....Petitioner

Through: Petitioner in person.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Rajdev Kumar, Mr. Hitesh Batra
and Mr. Shivam Shrivastava, Advocates with Mr.
Deepak Tomar, Govt. Pleader for R1/UOI

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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23.09.2024

1. This writ petition has been preferred by the Petitioner challenging the result declared on 02.12.2023 for the post of a Physiotherapist pursuant to a Recruitment Notice dated 04.10.2023.
2. From the relief sought in the petition, there is no doubt that the nature of reliefs sought relate to matters concerning recruitment by the Safdarjung Hospital, which is under the aegis of Ministry of Health and Family Welfare and therefore, the remedy of the Petitioner lies before the Central Administrative Tribunal (Tribunal) as the only Court of first instance in view of Section 14 of the said Act and judgment of the Constitution Bench of the Supreme Court in *L. Chandra Kumar v. Union of India and Others*, (1997) 3 SCC 261.

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3. In view of the above, Petitioner seeks to withdraw the petition with liberty to approach the Tribunal.

4. The petition is disposed of with liberty as prayed for in accordance with law. Needless to state that this petition was filed *bona fide* by the Petitioner in this Court in 2022, and thus the fact of pendency of this petition in this Court may be taken into account by the Tribunal while considering the question of limitation. Pending application stands disposed of.

JYOTI SINGH, J

SEPTEMBER 23, 2024/jg

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