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

+ **W.P.(C) 240/2024 & CM APPL. 1062/2024**

SANJIV KUMAR

.....Petitioner

Through: Mr. Shivam Sharma and Mr. Rahul
Dev, Advocates.

versus

NCERT & ANR.

.....Respondents

Through: Mr. Abhishek Yadav, Special Panel
Counsel for the Respondents with Mr. Chanchal
Kumar, UDC, NCERT and Mr. Vinod Vaidya,
Assistant, NCERT.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

18.11.2024

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1. This writ petition is preferred by the Petitioner under Article 226 of the Constitution of India seeking promotion to the post of Hindi Officer from 01.09.2022 along with consequential benefits as also a prayer to re-designate the post of Hindi Officer as Assistant Director (OL) in PB-3 with Grade Pay of Rs.5400/-.

2. It is clear from the writ petition and the prayer clause that the reliefs claimed are in the nature of service matters and are sought against National Council of Educational Research & Training (NCERT), which is notified under Section 14 of the Administrative Tribunals Act, 1985. Therefore, in

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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 Administrative Tribunal is the only Court of first instance for adjudication of the issues raised by the Petitioner.

3. Accordingly, this writ petition is dismissed, with liberty to the Petitioner to take recourse to appropriate remedies before the appropriate forum in accordance with law. It will be open to the Petitioner to raise all pleas, legal and factual and all other contentions raised in the present writ petition in the appropriate forum.

4. Pending application also stands disposed of.

JYOTI SINGH, J

NOVEMBER 18, 2024/shivam

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