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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12722/2024**
SANDHYA KARANPetitioner
Through: Mr. Darsh Bansal, Advocate.

versus

THE DIRECTORATE OF EDUCATION
& ORS.Respondents
Through: Mrs. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar Singh, Ms.
Laavanya Kaushik, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advocates for DoE.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **11.09.2024**

CM APPL. 53035/2024

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 12722/2024 & C.M. APPL. 53034/2024

3. This writ petition has been filed on behalf of the Petitioner seeking the following reliefs:-

(a) Issue a writ in the nature of certiorari or any other appropriate writ or direction or order to set aside / quash the Impugned Communication by the Respondent No.1 dated 14.09.2023 as being arbitrary, illegal, without the application of mind, and contrary to the Recruitment Rules, 2023; and
(b) Issue a writ in the nature of certiorari or any other appropriate writ or direction or order declaring that the Petitioner is duly qualified and satisfies all the requisite educational qualifications for the post of TGT (Hindi) as per the Recruitment Rules, 2023 laid down by the Respondent No.1; and
(c) Issue a writ in the nature of certiorari or any other appropriate writ or direction or order, directing the Respondents to re-instate the Petitioner to her position as a Trained Graduate Teacher (TGT) (Hindi) with continuity of service from the date of her termination, and grant her all back wages, along with future benefits, including increments, promotions, and other



service related benefits, as if the Petitioner had continued in service without interruption; and (d) Award exemplary costs along with litigation costs against the Respondents and in favour of the Petitioner; and / or

4. The reliefs sought fall in the nature of service matter disputes against the Directorate of Education, Delhi Subordinate Services Selection Board and Government Girls Senior Secondary School, which are notified under Section 14 of the Administrative Tribunal Act, 1985. Therefore, by virtue of Section 14 of the 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***, the Central Administrative Tribunal will be the only Court of first instance to adjudicate the issues raised by the Petitioner.

5. Learned counsel for the Petitioner submits that he had earlier approached the Tribunal but had withdrawn the application being O.A. 2225/2024 as the Tribunal was of the view that the O.A. was barred by constructive *res-judicata* and therefore if he approaches the Tribunal again, his application may not be entertained. A bare perusal of the order dated 10.07.2024 passed in O.A. 2225/2024 shows that the Petitioner had withdrawn the O.A. with liberty to avail legal remedies and in the first round O.A. 749 was disposed of with liberty to the Petitioner to make a supplementary representation to the Respondents. Therefore, there is no adjudication so far on the merits of the case.

6. Accordingly, this writ petition is dismissed along with pending application, with liberty to the Petitioner to approach the appropriate forum, in accordance with law.

JYOTI SINGH, J

SEPTEMBER 11, 2024/shivam