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

+ **W.P.(C) 13764/2024**

SUBRAT KISHORE PANDEY

.....Petitioner

Through: Mr. Manoj Kumar Mishra, Advocate.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Ripudaman Bhardwaj, CGSC
with Mr. Kushagra Kumar and Mr. Abhinav
Bhardwaj, Advocates for Respondents No.1 to
3/UOI.

Mr. Ravinder Agarwal and Mr. Lekh Raj Singh,
Advocates for Respondent No.4/UPSC.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

01.10.2024

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CM APPL. 57689/2024

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

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

“a. issue of a writ, order or a direction in the nature of mandamus thereby directing the respondents to consider the petitioner for non civil service officer to Indian administrative service;

b. issue a writ, order or a direction in the nature of mandamus thereby directing the respondents to enquire into all the innovations and past affairs laid out in the application to the secretary mop on November 19, 2023, and Goi on November 20 and 21, 2023;

c. issue a writ, order or a direction in the nature of mandamus thereby directing the respondents shall decide the real status in service of promotion and appointment by assessing the applications of November 29, 2022; November 30, 2022; and November 19-21, 2023 of the petitioner;



d. issue writ, order or a direction in the nature of mandamus thereby directing the respondents to disposal of the other embedded applications and matters as a part of the November 19-21, 2023, February 06-07, 2024 application to GOI.

e. Pass an order to provide medical facilities as provide to IAS officers.”

4. It is apparent that the relief sought by the Petitioner concerns appointment to the Indian Administrative Service and thus 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** as well as the judgments in ***Kendriya Vidyalaya Sangathan and Another v. Subhas Sharma*, (2002) 4 SCC 145** and ***Rajeev Kumar and Another v. Hemraj Singh Chauhan and Others*, (2010) 4 SCC 554** and judgment of this Court in ***Praveen Sharma v. U.P.S.C.*, 2007 SCC OnLine Del 2086**, this writ petition is not maintainable. In ***L. Chandra Kumar* (supra)**, the Supreme Court observed that the Tribunals will continue to act as the only Courts of first instance in respect of areas of law for which they have been constituted and thus it will not be open for litigants to directly approach the High Courts.

5. Accordingly, this writ petition is dismissed as not maintainable with liberty to the Petitioner to approach the appropriate forum in accordance with law.

JYOTI SINGH, J

OCTOBER 1, 2024

B.S. Rohella