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

+ **W.P.(C) 14124/2024**

SHOMI VERMA & ORS.

.....Petitioners

Through: Ms. Suriya Kannan Sabanayagam and
Ms. Mohini Jaiswal, Advocates.

versus

**KENDRIYA VIDYALAYA SANGATHAN
AND ORS**

.....Respondents

Through: None.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER
07.10.2024**

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1. This writ petition has been preferred on behalf of the Petitioners seeking the following reliefs against Kendriya Vidyalaya Sangathan ('KVS'), which is amenable to the jurisdiction of the Central Administrative Tribunal ('Tribunal'):

“(i) Call on for a reply by the respondents by issuing notice

*(ii) To pass orders, directions or writs in particular a **WRIT OF Mandamus**, calling for the records of the respondents and order passed by the respondents and the respondents may be directed 'to treat the applicant as fully eligible for the post in question and issue such further or other orders or directions deemed fit and proper in the facts and circumstances of this case and thus render justice.’”*

2. Learned counsel for the Petitioners submits that the Petitioners have approached this Court since there is no employer-employee relationship and the matter relates to recruitment. This argument only deserves to be rejected in view of the provisions of Section 14(1) of the Administrative Tribunals



Act, 1985, which provides that the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all Courts except the Supreme Court in relation to 'recruitment and matters concerning recruitment' to any civil service of the Union or a civil post under the Union. Challenge in the writ petition relates to eligibility condition for appointment with KVS and would fall under Section 14(1) being a matter concerning recruitment and therefore, 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 and of this Court in *Praveen Sharma v. U.P.S.C.*, 2007 SCC OnLine Del 2086 remedy of the Petitioner will lie before the Central Administrative Tribunal as the only Court of first instance. I may also allude to the judgments of the Supreme Court 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, wherein the Supreme Court observed that in view of the authoritative pronouncement in *L. Chandra Kumar (supra)*, the High Court erred in directly entertaining the petition concerning service matters over which Central Administrative Tribunal has jurisdiction.

3. In view of the above, this writ petition is dismissed as not maintainable with liberty to the Petitioners to approach Central Administrative Tribunal, in accordance with law.

JYOTI SINGH, J

OCTOBER 7, 2024

B.S. Rohella