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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 14267/2024 and CM APPL. 59750-59751/2024 and 60791/2024

DR. VANDITAA AGRAWAL

.....Petitioner

Through: Mr. Kailash Vasdev, Senior Advocate
with Mr. Nishit Agrawal, Mr. Shrey Kapoor,
Mr. Umrao Singh Rawat, Ms. Kanishka Mittal and
Ms. Aastha Bhardwaj, Advocates.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES

THROUGH ITS REGISTRAR & ANR.

.....Respondents

Through: Mr. Shaju Francis, Advocate for
Respondent No.2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

16.10.2024

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1. This writ petition has been preferred by the Petitioner under Article 226 of the Constitution of India challenging the appointment of Respondent No. 2 on the post of Senior Resident-Ophthalmology made by Respondent No. 1/AIIMS on the ground that the appointment has been allegedly obtained on the basis of a false Economically Weaker Section Certificate. Direction is also sought to Respondent No. 1 to fill-up the post as per merit list wherein Petitioner is 7th in rank.

2. The reliefs sought in the present petition relate to recruitment to the post of Senior Resident-Ophthalmology against AIIMS, which is notified under Section 14 of the Administrative Tribunals Act, 1985 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** as well as the decision of the Division Bench of this Court in **Parikshit Grewal and**



Others v. Union of India and Another, 2024 SCC OnLine Del 6939, the Central Administrative Tribunal will be the only Court of first instance to adjudicate the issues raised by the Petitioner.

3. At this stage, Mr. Kailash Vasdev, learned Senior Counsel for the Petitioner, on instructions from the counsel on record, who in turn is instructed by the Petitioner, seeks to withdraw this writ petition with liberty to approach the appropriate forum.

4. Writ petition stands disposed of as withdrawn along with pending applications with liberty as prayed for, in accordance with law.

JYOTI SINGH, J

OCTOBER 16, 2024

B.S. Rohella/shivam