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

+ W.P.(C) 4258/2025 and CM APPL. 19700/2025, CM APPL. 19701/2025

ANURAG PATHAK

.....Petitioner

Through: Mr. Abhijit Anand and Ms. Tisha Kaushik, Advocates.

versus

CHAIRMAN STAFF SELECTION COMMISSION.....Respondent

Through: Mr. Piyush Gupta, CGSC with Mr. Atishay Jain, Mr. Sudhanshu Sharma and Ms. Deepanshi Gupta, Advocates with Mr. Rajat Rajoria Singh, G.P.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

03.04.2025

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1. By a notice dated 24.06.2024, the respondent – Staff Selection Commission [“SSC”] invited applications for filling up various Group ‘B’ and Group ‘C’ posts in different Ministries/Departments/Organizations of Government of India and various Constitutional Bodies/Statutory Bodies/Tribunals, etc. The petitioner challenges an answer key published by the SSC in respect of a test held as part of the selection process pursuant to the Combined Graduate Level Examination – 2024.

2. The Central Administrative Tribunal [“Tribunal”] admittedly has jurisdiction over recruitment to posts under the Union of India. The



judgment of the Supreme Court in *L. Chandra Kumar v. Union of India*, [(1997) 3 SCC 261, decided on 18.03.1997], clearly holds that litigants must first approach the Tribunal in matters falling within its jurisdiction, and the constitutional remedy under Article 226 of the Constitution may be invoked only after the Tribunal's decision.

3. The judgment in *L. Chandra Kumar* (supra) has been followed in several decisions, including the recent decision of the Division Bench of this Court in *Parikshit Grewal & Ors. vs. Union of India & Anr.* [LPA 971/2024, decided on 27.09.2024], in which the Division Bench has made the following observations.

*“1. It is a matter of some discomfiture to this Court that, nearly three decades after seven Hon’ble Judges of the Supreme Court clearly held, in the near-iconic decision in *L. Chandra Kumar v UOI* [(1993) 3 SCC 261], that all matters which lay within the province of the Central Administrative Tribunal by virtue of Section 14 of the Administrative Tribunals Act, 1985 would have to be agitated before the Tribunal and that the High Court could not act as a court of first instance in such cases, petition after petition is still preferred in the High Court, in clear violation of the judgment. Every possible argument in the book is pressed into service, to somehow avoid *L Chandra Kumar*. Exceptions, not to be found either in Section 14 of the AT Act or in the judgment in *L Chandra Kumar*, are sought to be read into it by implication. In the process, both Article 141 and 144 of the Constitution of India are consigned to oblivion.*

*2. This is yet one other such case, in which the appellants have sought to avoid approaching the Tribunal and have petitioned this Court, in a matter which clearly falls within Section 14 of the AT Act. A learned Single Judge of this Court has, in a detailed and well considered judgment, clearly disapproved the attempt, and has dismissed the petition as not maintainable in view of *L Chandra Kumar*. Instead of approaching the Tribunal, as they could, and should, have, the appellants have sought to appeal against the decision of the learned Single Judge. Of course, they are certainly entitled to appeal; but, in the process, the chance of, perhaps, obtaining relief from the right forum, is frittered away.*



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12. Thus, the Supreme Court clarified, in terms as unequivocal as could be, that it would not be open to a litigant to approach the High Court in matters relating to the areas of law in which the Tribunal concerned is constituted, and that the Tribunal would continue to act as the court of first instance in all such matters, the only exception being where the very legislation under which the Tribunal is constituted is challenged. In other words, save and except for cases in which the litigant challenges one or the other provision of the AT Act, it is not open to the litigant to approach the High Court in the first instance, in respect of matters which the Central Administrative Tribunal is competent to adjudicate; in other words, in respect of matters which fall within the purview of Article 14 of the Constitution. In all such matters, the Central Administrative Tribunal would be the only court of first instance, available to the litigant.

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14. Thus, the position in law is clear as crystal. All matters, which fall within the purview of Section 14 of the AT Act have first to be agitated before the Tribunal. It is the Tribunal alone which can entertain these matters, as a court of first instance. The litigant is completely proscribed from approaching the High Court in such matters, without first approaching the Tribunal. The only circumstance in which the litigant can approach the High Court, without first approaching the Tribunal, is where the litigation challenges the vires of the AT Act itself, or of one or the other of its provisions.

15. It is completely befuddling, therefore, to see petitions, which clearly fall within the scope and ambit of Section 14 of the AT Act, being directly filed in the High Court. Going by the number of such petitions which are still coming up before this Court itself, the malaise is reaching endemic proportions. Without meaning any disrespect to High Courts which may choose to entertain such petitions, these stray examples, if any, cannot derogate from the position in law so unequivocally stated by seven Hon'ble Judges of the Supreme Court in *L. Chandra Kumar*."

[Emphasis supplied.]



4. The only submission of Mr. Abhijit Anand, learned counsel for the petitioner, is that this Court in *Shubham Pal and Ors. v. Staff Selection Commission and Anr.*, [W.P.(C) No. 16593/2023, judgment dated 16.02.2024], has entertained a writ petition in respect of an erroneous answer key in a recruitment exercise conducted by the SCC. A copy of the judgment has been handed over, and it is evident that the question of Tribunal's jurisdiction was neither raised nor discussed. The said judgment is, therefore, of little assistance to the petitioner.

5. In view of the judgment of the Supreme Court in *L. Chandra Kumar* (supra), as interpreted by the Division Bench of this Court in *Parikshit Grewal* (supra), I am of the view that the petitioner's remedy lies, at first instance, before the Tribunal.

6. The writ petition, alongwith the pending applications, is, therefore, dismissed, with liberty to the petitioner to approach the Tribunal.

7. A copy of the order be given *dasti* under the signature of the Court Master.

PRATEEK JALAN, J

APRIL 3, 2025

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