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

+ **W.P.(C) 6714/2019**

KANHAIYA CHAUHAN & ANR.

.....Petitioners

Through: Mr. Deepesh Aneja, Advocate.

versus

DIRECTORATE OF EDUCATION & ANR.

.....Respondents

Through: Mrs. Avnish Ahlawat, Standing Counsel (GNCTD) with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam, Mr. Mohnish Sehrawat and Mr. Amitoj Chadha, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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28.04.2025

1. The petitioners have filed the present petition seeking a direction that the “Bachelor of Education Degree (special)” held by them be considered for the position of Trained Graduate Teachers [“TGTs”] in Hindi and English. They have assailed notices dated 07.05.2019 and 22.05.2019 issued by the respondents rejecting their candidature on this basis.

2. It is the contention of learned counsel for the petitioners that the relief sought by the petitioners is covered in their favour, by an order of this Court dated 16.09.2009 in W.P.(C) No. 6771/2008 [*Social Jurist v. Government of NCT, Delhi & Another*] and the judgment of learned Central Administrative Tribunal [“Tribunal”] dated 31.03.2016 in O.A. No. 3442/2024 [*Shruti*

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Poddar & Anr. v. Kendriya Vidyalaya Sangathan]. Learned counsel submits that the rejection letters do not consider these aspects and that a representation dated 14.05.2019, filed by petitioner No. 1 herein, in which the judgment of the Tribunal was cited, remains unanswered.

3. Learned counsel for the respondents, on the other hand, submits that the petitioners' disputes are amenable to the jurisdiction of the Tribunal under the Administrative Tribunals Act, 1985. He states that this objection was taken, at the very outset, in the counter affidavit dated 31.01.2020 filed by the respondents.

4. The judgments of the Supreme Court in *L. Chandra Kumar vs. Union of India and Others* [(1997) 3 SCC 261] with regard to the jurisdiction of Tribunal have been considered in several later judgments, including the recent Division Bench judgments of this Court in *Parikshit Grewal & Ors. v. Union of India & Anr.*, [2024 SCC OnLine Del 6939] and in *Manish Kumar v. UoI & Ors.*, [2025 SCC OnLine Del 1519].

5. The ratio of these judgments is that a litigant cannot approach the writ Court in the first instance, in respect of a dispute which falls within the jurisdiction of the Tribunal. It is not disputed that, in the present case, the Tribunal is empowered to exercise jurisdiction.

6. In view of the above, the petition is disposed of with liberty to the petitioners to approach the Tribunal in respect of their grievances.

7. However, having regard to the fact that pleadings have been filed before this Court, the petitioners are at liberty to place those pleadings before the Tribunal, so that the Tribunal can consider whether any further pleadings are necessary or the application can be heard on the basis of these documents.

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8. The only other relief sought by learned counsel for the petitioners is for consideration of petitioner no. 1's representation dated 14.05.2019, and the order of this Court dated 16.09.2009 referred to above.

9. The respondents are directed to consider the matter in the light of the aforesaid judgments and pass a speaking order within four weeks from today.

10. If the order is adverse to petitioners, it must be communicated within the said period. If the petitioners approach the Tribunal within four weeks thereafter, the Tribunal is directed to consider the matter on merits, rather than on the question of delay and laches, having regard to the time spent before this Court.

PRATEEK JALAN, J

APRIL 28, 2025/uk/JM/

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