

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.29203 OF 2009

Dated: 31.12.2009

Between:

Natha Tata Babu
petitioner

...

And

1. The Secretary, Department of Legal Affairs,
Ministry of Law & Justice, Sastry Bhavan,
New Delhi., and another. ... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.29203 OF 2009

ORDER:

This writ petition is filed with the following prayer :

“... .. this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing II Advertisement as “Corrigenda” dated 11.10.2008 calling posts one B.C. and Four for OC without one SC post under Grade-III, as illegal, arbitrary and violative of principles of natural justice consequently direct the 2nd respondent to conduct the interview as per I Advertisement dated 14.07.2007 in (Reference Number F1/195/2006-R-II) Six Deputy Government Counsels (Grade-III of Indian Legal Service) in the Department of Legal Affairs, Ministry of Law & Justice & Indian Legal Service and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Apparently, the dispute raised relates to civil service of the Government of India and therefore it is not open to the petitioner to straightaway invoke the jurisdiction of this Court under Article 226 of

the Constitution of India. As per the provisions of the Administrative Tribunals Act, 1985, even the dispute relating to the stage of recruitment is within the jurisdiction of the Administrative Tribunals. Hence, if aggrieved, it is for the petitioner to approach the Tribunal constituted under the Administrative Tribunals Act, 1985 at the first instance.

Accordingly, granting leave and liberty to the petitioner to avail the appropriate remedy, the Writ Petition is dismissed as not maintainable. No costs.

G. ROHINI, J.

Dt. 31.12.2009
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