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

+ W.P.(C) /2018 (let it be registered and numbered)

POOJA

..... Petitioner

Through: Mr. Chandra Kant, Adv. with
father of the petitioner

versus

THE STATE, GNCT OF DELHI

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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29.09.2018

1. This petition has been taken up on urgent mentioning. The Registry is directed to register the petition as a writ petition and assign it an appropriate number.
2. This writ petition seeks issuance of a writ of mandamus to the Delhi Subordinate Services Selection Board (hereinafter referred to as "the DSSSB"), for permitting the petitioner to appear in the examination, to be conducted by the DSSSB on 30th September, 2018, 13th October, 2018, 14th October, 2018 and 28th October, 2018 for recruitment to the posts of teachers in schools run by the Municipal Corporation of Delhi, as well as various other posts, as learned counsel for the petitioner would contend. Be it noted, no copy of the advertisement is on record.
3. The only respondent in the matter is the DSSSB, Govt. of NCT

of Delhi, which is amenable to the jurisdiction of the Central Administrative Tribunal, Principal Bench. The subject matter of the dispute also falls within the jurisdiction of the Tribunal.

4. In view of the proscription contained in para 93 of the judgment of the Supreme Court in *L. Chandra Kumar v. Union of India, 1997 (3) SCC 261*, it is not possible for this Court to entertain this writ petition as a Court of first instance.

5. Learned counsel for the petitioner entreats this Court to pass some interim order, as the examination has to be held tomorrow morning.

6. Admittedly, the admit card of the petitioner was downloaded on 23rd September, 2018 on the mobile phone of her father, and the case of the petitioner appears to be that, owing to some fault, either in the server of the respondent or in her father's mobile phone, she has not able to take a printout thereof. The petitioner contends that she has visited the office of the DSSSB personally, but to no avail.

7. Be that as it may, as the bar of jurisdiction, as contained in the aforementioned judgment in *L. Chandra Kumar (supra)*, is absolute, it is not possible for this Court to depart therefrom, under any circumstances.

8. The writ petition is returned to the petitioner, for being presented before the Central Administrative Tribunal, Principal Bench, New Delhi.

9. In view of the contentions in the writ petition, and the fact that the examination is to be conducted tomorrow morning, and keeping in view the fact that the career of a young candidate may be at stake, the petitioner is granted liberty to make a reference to the Central Administrative Tribunal tomorrow morning itself, by following the due procedure prescribed in that regard, possibly by moving the Registrar General of the Tribunal, who could put up the matter to the Hon'ble Chairman, to hear the matter himself or assign it for hearing to any available Hon'ble Member. The Hon'ble Chairman of the Tribunal is requested, if possible, to provide a hearing to the petitioner tomorrow itself.

10. Needless to say, however, this request is not to be treated as a mandamus to the Tribunal, and it would be for the Tribunal, which is itself a high constitutional authority, to take a call in this regard, keeping all factors in mind.

11. With the above observations, the writ petition is returned to the petitioner for presentation before the Central Administrative Tribunal, Principal Bench.

12. It is clarified that this order does not seek to opine on the merits of the case of the petitioner, one way or the other.

13. A copy of this order be given *dasti* under the signatures of the Court Master/as certified by the Private Secretary.

14. A duly certified copy would be released on Monday.

C.HARI SHANKAR, J.

SEPTEMBER 29, 2018

dsm