

(2012) 01 UK CK 0023

In the Uttarakhand High Court

Case No : Special Appeal No. 159 of 2011

Pradeep Bhandari and others

APPELLANT

Vs

Bharat Sanchar Nigam Limited and others

RESPONDENT

Date of Decision : 09-01-2012

Acts Referred:

Administrative Tribunals Act, 1985 — Section 14(2)

Citation : (2012) 01 UK CK 0023

Hon'ble Judges : Barin Ghosh, C.J.;Umesh Chandra Dhyani, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Barin Ghosh, C.J.—Appellant responded to an advertisement, and accordingly, was invited to appear in a written examination. The result of the written examination has not been published, is the case of the appellant. He, accordingly, approached the writ court, seeking a direction upon BSNL to declare the result of the written examination. Since, BSNL is notified u/s 14(2) of the Administrative Tribunals Act, the writ court has rejected the writ petition, in view of the judgment of the Hon'ble Supreme Court rendered in the case of L. Chandra Kumar Vs. Union of India and others, . Against this order, the present appeal has been preferred. It is being contended in the present appeal that, since there is no regular Bench of the Central Administrative Tribunal in the State of Uttarakhand, the remedy before the Central Administrative Tribunal is not a efficacious alternative remedy, and accordingly, on that ground the court could not refuse to entertain the writ petition. Before filing the appeal, and even before making the said submission, the appellant and his advisors did not bother to read the said judgment of the Hon'ble Supreme Court, where it has been specifically provided "it will not, therefore, be open for litigants to directly approach the High Courts even in cases where they question of vires of statutory legislations ????? by overlooking the jurisdiction of the Tribunal concerned." It is, therefore, not a question of alternative efficacious remedy. On the other hand, it

is a complete ban on litigants to approach directly the High Court in relation to matters which are to be dealt with by Central Administrative Tribunal. The appeal fails, and the same is dismissed.