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

Decided on: 09th July 2025

\+ W.P.(C) 9410/2025

PRIYA CHAUHAN AND ORS. .....Petitioners

Through: Ms. Aishwarya Dobhal, Mr. Albar Qureshi, & Ms. Mansi Bidhuri, Advocates.

versus

UNION OF INDIA AND ORS. .....Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC & & Mr. Kautilya Birat, GP with Mr. Kushagra Kumar, Mr. Kumar Rana, Advocates for R-1.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

CM APPL. 39730/2025 (*exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 9410/2025 and CM APPL. 39729/2025 (*ad-interim directions*)

1. The petitioners have filed this writ petition under Article 226 of the Constitution assailing the "*Recruitment Rules for Teaching and Non-Teaching posts in KVS-revised*" notified on 20.03.2025 ["Recruitment Rules"] by the respondent No. 2- Kendriya Vidyalaya Sangathan ["KVS"].

2. The uncontested position is that KVS is a notified entity for the purposes of jurisdiction of the Central Administrative Tribunal ["Tribunal"] under Section 14 of the Administrative Tribunals Act, 1985

["the Act"]. I have, therefore, put it to Ms. Aishwarya Dobhal, learned counsel for the petitioners, that the challenge must first be instituted before the Tribunal, in accordance with the judgment of the Constitution Bench in *L. Chandra Kumar v. Union of India and Others*[1], and several judgments which follow the same view.

3. Ms. Dobhal's first argument is that the Tribunal does not have jurisdiction to consider the challenge to the Recruitment Rules, particularly as no recruitment process is in progress.

4. I am not persuaded by this argument. It may first be noted that the Tribunal is vested with jurisdiction, even to hear challenges to statutory provisions. Paragraph 93 of *L. Chandra Kumar* makes this position clear, as follows:

> *"93. Before moving on to other aspects, we may summarise our conclusions on the jurisdictional powers of these Tribunals.* ***The Tribunals are competent to hear matters where the vires of statutory provisions are questioned.*** *However, in discharging this duty, they cannot act as substitutes for the High Courts and the Supreme Court which have, under our constitutional set-up, been specifically entrusted with such an obligation. Their function in this respect is only supplementary and* ***all such decisions of the Tribunals will be subject to scrutiny before a Division Bench of the respective High Courts. The Tribunals will consequently also have the power to test the vires of subordinate legislations and rules.*** *However, this power of the Tribunals will be subject to one important exception. The Tribunals shall not entertain any question regarding the vires of their parent statutes following the settled principle that a Tribunal which is a creature of an Act cannot declare that very Act to be unconstitutional. In such cases alone, the High Court concerned may be approached directly. All other decisions of these Tribunals, rendered in cases that they are specifically empowered to adjudicate upon by virtue of their parent statutes, will also be subject to scrutiny before a Division Bench of their respective High Courts. We may add that the* ***By this, we mean that it will not be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except, as mentioned, where the legislation which creates the particular Tribunal is***

[1] (1997) 3 SCC 261, [hereinafter, "*L. Chandra Kumar*"].

challenged) by overlooking the jurisdiction of the Tribunal concerned."[2]

5. *L. Chandra Kumar* has been explained in the judgment of the Division Bench of this Court in *Parikshit Grewal & Ors. v. Union of India*[3], decided on 27.09.2024, in the following terms:

> *"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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> *xxxx xxxx xxxx*
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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.*
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> *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."*[4]

6. The same view has been followed in a recent judgment of the

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[2] Emphasis supplied.
[3] 2024 SCC OnLine 6939, [hereinafter, "*Parikshit Grewal*"].
[4] Emphasis supplied.

Division Bench of this Court in *Manish Kumar v. Union of India & Ors.*[5].

7. The position, therefore, is that the Tribunal has jurisdiction to hear even a challenge to statutory provisions. *A fortiori*, it would be competent to hear a challenge to Recruitment Rules, as in the present case. The judgments are clear: the Tribunal will act as the court of first instance in respect of matters falling within its jurisdiction, and it is not open to an aggrieved person to approach the High Court directly, circumventing the jurisdiction of the Tribunal. In the event the petitioners are unsuccessful before the Tribunal, the remedy under Article 226 of the Constitution may be exercised at that stage. It may be noted that, with regard to KVS itself, the Supreme Court in *Kendriya Vidyalaya Sangathan v. Subhas Sharma*[6], held that the High Court ought not to have entertained a writ petition at first instance, as the matter fell within the jurisdiction of the Tribunal.

8. Ms. Dobhal's submission that this Court ought to entertain the writ petition as a Court of first instance, as no recruitment process has yet commenced, inasmuch as no advertisement has been issued for any post, is unmerited. Section 14 of the Act confers jurisdiction upon the Tribunal in the following terms:

> *"14.* ***Jurisdiction, powers and authority of the Central Administrative Tribunal.*** *—(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day,* ***all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court 2***) in relation to*** *—*
> ***(a) recruitment, and matters concerning recruitment****, to any All-India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence*

[5] 2025 SCC OnLine Del 1519.
[6] (2002) 4 SCC 145.

services, being, in either case, a post filled by a civilian;

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(2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations [or societies] owned or controlled by Government, not being a local or other authority or corporation [or society] controlled or owned by a State Government:

Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations [or societies].

(3) Save as otherwise expressly provided in this Act, the ***Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation [or society], all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court[2]) in relation to—***

(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation [1][or society]; and

(b) all service matters concerning a person [other than a person referred to in clause (a) or clause (b) of sub-section (1)] appointed to any service or post in connection with the affairs of such local or other authority or corporation [1] [or society] and pertaining to the service of such person in connection with such affairs."[7]

9. Challenge to the Recruitment Rules would, in my view, fall within the scope of the aforesaid jurisdiction. The words "*in relation to*", used in Section 14, have been consistently interpreted by the Courts as words of wide and comprehensive import. In *Executive Engineer, Gosikhurd Project v. Mahesh*[8], the Supreme Court referred to its earlier judgments and held as follows:

"20. We begin by examining the phrasing of clause (a) to Section 24(1) of the 2013 Act. We would prefer to read the words "all the provisions relating

[7] Emphasis supplied.
[8] (2022) 2 SCC 772.

to determination of compensation" in Section 24(1)(a) as including the period of limitation specified in Section 25 of the 2013 Act. To elaborate, the word "all" and the expression "relating to" used in Section 25 are required to be given a wide meaning to ensnare the legislative intent. ***The expressions "relating to" or "in relation to" are words of comprehensiveness which may have a direct as well as indirect significance depending on the context****.*[9]

21. Similarly, interpreting Section 129-C of the Customs Act, 1962, this Court while giving the phrase "in relation to" a narrower meaning of direct and proximate relationship to the rate of duty and to the value of goods for purpose of assessment, did observe that ordinarily the phrase "in relation to" is of a wider import.[10] *Several cases assigning a wider import to the expression "relating to", in view of the contextual background, find reference in Gujarat Urja Vikas Nigam Ltd. v. Amit Gupta*[11]*. In Renusagar Power Co. Ltd. v. General Electric Co.*[12]*, this Court held that the term "in relation to", when used in the context of arbitration clause, is of widest amplitude and content.*

22. In Mansukhlal Dhanraj Jain v. Eknath Vithal Ogale[13] *the expression "relating to" in the context of the Small Cause Courts Act, 1887 has been held to be comprehensive in nature that would take in its sweep all types of suits and proceedings which are concerned with recovery of possession. Broad and wider interpretation was again preferred in Doypack Systems (P) Ltd. v. Union of India*[14]*, observing that the expression "in relation to" is a very broad expression which presupposes another subject-matter. In Doypack Systems (P) Ltd., in the context of Section 3 of the Swadeshi Cotton Mills Company Ltd. (Acquisition and Transfer of Undertakings) Act, 1986, the expression "relating to" was held to mean "bring into association or connection with". [Doypack Systems (P) Ltd., para 50] The words are comprehensive and might have both direct as well as indirect significance.* ***The decision in Gujarat Urja Vikas Nigam Ltd. refers to Corpus Juris Secundum, wherein the expression "relating to" has been held to be equivalent to or synonymous with as to "concerning with" and "pertaining to". It has been observed that the expression "pertaining to" is an expression of expansion and not of contraction****.*

*23. The expression "****relating to" when used in legislation normally refers***

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[9] *State Wakf Board v. Abdul Azeez Sahib*, 1966 SCC OnLine Mad 80 : AIR 1968 Mad 79.
[10] *Navin Chemicals Mfg. & Trading Co. Ltd. v. Collector of Customs*, (1993) 4 SCC 320.
[11] *Gujarat Urja Vikas Nigam Ltd. v. Amit Gupta,* (2021) 7 SCC 209 : (2021) 4 SCC (Civ) 1 [hereinafter, "*Gujarat Urja Vikas Nigam Ltd.*"].
[12] *Renusagar Power Co. Ltd. v. General Electric Co.*, (1984) 4 SCC 679.
[13] *Mansukhlal Dhanraj Jain v. Eknath Vithal Ogale*, (1995) 2 SCC 665.
[14] *Doypack Systems (P) Ltd. v. Union of India*, (1988) 2 SCC 299 [hereinafter, "*Doypack Systems (P) Ltd.*"].

> ***to "stand in some relation, to have bearing or concern, to pertain, to refer, to bring into association with or connection with****". [See judgment of Mitter, J. (para 308) in Madhav Rao Jivaji Rao Scindia v. Union of India[15].]* ***Therefore, the expression "relating to" when used in legislation has to be construed to give effect to the legislative intent when required and necessary by giving an expansive and wider meaning****. Given this trend in interpretation, the words "all the provisions of this Act relating to the determination of compensation" must not be imputed a restricted understanding of the word "relating" only to the substantial provisions on calculation of compensation, that is, Sections 26 to 30 of the 2013 Act. Rather, the expression should be given an expansive meaning so as to include the provision on limitation period for calculation of compensation, that is, Section 25 of the 2013 Act."*[16]

10. Applying these principles to Section 14 of the Act, I am of the view that a challenge to Recruitment Rules requires adjudication "*in relation to"* recruitment, which would bring the matter squarely within the jurisdiction of the Tribunal. The fact that the petitioners herein have chosen to institute a challenge at this stage, when there is no recruitment process in progress, cannot alter this position. The consequence of the petitioners' submission would be that the question of *vires* of the Rules, in the abstract, would fall within the jurisdiction of this Court, whereas a similar challenge, instituted after an advertisement is issued, would fall within the jurisdiction of Tribunal. This would not be a tenable situation.

11. Ms. Dobhal, however, relies upon the following observation in *Parikshit Grewal* to support this submission:

> *"18. The learned Single Judge has first held that the jurisdiction of the Tribunal is not restricted only to employees or persons who are in Government service, as it also covers disputes relating to recruitment and matters concerning recruitment for entry into Government service. The submissions of the appellants - as the petitioners before the learned Single Judge - that as they were not employees holding any civil post as yet, they could approach this Court was, therefore,*

[15] (1971) 1 SCC 85.
[16] Emphasis supplied.

> *rejected. In this context, the learned Single Judge has gone into the definition of the expressions "selection" and "recruitment" and has relied in that context on the judgment of the Supreme Court in A.P. Public Service Commission, Hyderabad v. B. Sarat Chandra. The learned Single Judge has held that "any challenge relating to any stage of the recruitment process, post the issuance of the advertisement would fall under 'recruitment and matters concerning recruitment' under Section 14 of the AT Act and the remedy of the petitioners would lie before the Tribunal as the only Court of first instance……".*

I do not read these observations to mean that a challenge to the Recruitment Rules can be entertained by this Court, if an advertisement has not been issued. This was not the question which arose in that case, as the observations of the Court were in the context of a recruitment which was already in process.

12. The final ground urged by Ms. Dobhal, is that the petitioners have approached this Court pursuant to liberty granted by the Supreme Court. She states that the petitioners had first filed a petition under Article 32 of the Constitution before the Supreme Court for the same reliefs. The petitioners were permitted to withdraw the writ petition [W.P.(C) Diary No. 18899/2025], by order of the Supreme Court dated 23.05.2025, with the following observations:

> *"Delay condoned.*
> *After arguing the matter for some time, learned counsel for the petitioners seeks leave to withdraw this writ petition with liberty to move the jurisdictional High Court with appropriate petition under Article 226 of the Constitution of India.*
> *The Writ Petition is, accordingly, dismissed with liberty as above."*

13. I do not accept Ms. Dobhal's submission that the order in any way entitles the petitioners to relief under Article 226 of the Constitution, if such relief is otherwise barred or inappropriate. The Supreme Court accepted the request of the petitioners for permission to withdraw the writ

petition. The petitioners sought liberty to move the High Court under Article 226 of the Constitution, which was granted to them. The consequence of such liberty is that the present writ petition can be entertained, despite the petitioners having earlier moved the Supreme Court, and withdrawn their writ petition. It does not imply that the writ petition must be entertained by this Court, despite falling within the jurisdiction of the Tribunal. Such a course would be contrary to the judgments cited above.

14. For the aforesaid reasons, the writ petition is dismissed, with liberty to the petitioners to approach the Tribunal. The pending application also stands disposed of.

15. It is made clear that this Court has not made any comment on the merits of the petitioners' claim.

PRATEEK JALAN, J

JULY 9, 2025
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