

Topic: Nature Of Writ Petition Under Article 226

Name of the Case: L. Chandra Kumar v, UOI, (1997) 3 SCC 261

Bench: Chief Justice A.M. Ahmadi, Justice M.M. Punchhi, Justice K. Ramasamy, Justice S.P. Bharucha, Justice S. Saghir

Issue:

Whether the tribunal, constituted under Article 323A and under Article 323B of the Constitution, possess the competence to test the constitutional validity of the provision?

Fact of the Case: Several Special Leave Petition, civil appeals, writ petitions were clubbed together to form the concern petition before Supreme Court of India on the said issue.

Judgment: The seven-judge bench of Supreme Court held that the power of judicial review under Article 226 of the Constitution is the basic feature of the Constitution. Having held so, the Court at the same held that a litigant cannot straight away invoke the High Court's constitutional jurisdiction at the first instance but must approach the Administrative Tribunal first.
