



CNR: KAHC010459292026

NC: 2026:KHC:46432
WP No. 20698 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 20698 OF 2026 (S-RES)

BETWEEN:

DR AMRAGOUDA L PATIL
SON OF LATE LINGANAGOUDA PATIL,
AGED ABOUT 68 YEARS,
RESIDING AT NO.86,
ARORA PRIDE APARTMENTS,
T-1, 9TH MAIN, J.C.NAGAR,
KURUBARAHALLI, BENGALURU-560086,
(SENIOR CITIZEN NOT CLAIMED)

...PETITIONER

(BY SRI. DILEEP C G.,ADVOCATE)

AND:

1. THE UNION OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS,
NORTH BLOCK,
NEW DELHI-110023.
REPRESENTED BY ITS SECRETARY,
2. THE CABINET SECRETARY,
APPOINTMENTS COMMITTEE OF THE CABINET (ACC)
DEPARTMENT OF PERSONNEL AND TRAINING
NORTH BLOCK,
CENTRAL SECRETARIAT,
NEW DELHI-110001

Digitally
signed by
SHILPABAI S
Location
HIGH COURT
OF
KARNATAKA



NC: 2026:KHC:46432
WP No. 20698 of 2026

CNR: KAHC010459292026

3. THE MINISTRY OF AYUSH
GOVERNMENT OF INDIA,
AYUSH BHAWAN, G.P.O COMPLEX,
B BLOCK, INA,
NEW DELHI-110 023.
REPRESENTED BY ITS PERSONAL SECRETARY,
 4. SRI.VAIDYA RAJESH KOTTECHA,
AGED ABOUT 63 YEARS,
SECRETARY,
MINISTRY OF AYUSH,
AYUSH BHAWAN, G.P.O COMPLEX,
B BLOCK, INA, NEW DELHI-110 023.
 5. MINISTRY OF AYURVEDA,
YOGA AND NATUROPATHY, UNANI, SIDDHA AND
HOMOEOPATHY,
AYUSH BHAWAN, G.P.O COMPLEX,
B BLOCK, INA,
NEW DELHI-110023.
REPRESENTED BY ITS SECRETARY,
- ...RESPONDENTS
- (BY SRI. S.RAJASHEKAR., ADVOCATE
SMT. PRIYANKA K., CGC FOR R1 TO R3 & R5
SRI. P N MANMOHAN, ADVOCATE FOR R4)

THIS WRIT PETITION FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA AND PRAYING TO

- A) ISSUE A WRIT WRIT/ORDER/DIRECTION
TO QUASH THE EXTENSION
NOTIFICATION / ORDER NO. 36.01.2026
EO(SM 1) DATED 20.06.2026 IMPUGNED
HEREIN UNDER ANNEXURE A PASSED BY
THE 2ND RESPONDENT WHEREBY THE
TENURE OF THE RESPONDENT NO.4 HAS
BEEN EXTENDED FOR A PERIOD OF ONE
YEAR AND



CNR: KAHC010459292026

NC: 2026:KHC:46432
WP No. 20698 of 2026

- B) ISSUE A WRIT OF QUO WARRANTO OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION IN THE NATURE OF QUO WARRANTO TO THE RESPONDENTS, MORE PARTICULARLY RESPONDENT NO.4, TO SHOW CAUSE UNDER WHAT RIGHT AUTHORITY, THE RESPONDENT NO.4 IS HOLDING THE OFFICE OF THE SECRETARY, MINISTRY OF AYUSH AND
- C) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENTS TO PRODUCE THE ALL THE DOCUMENTS BEFORE THIS HON'BLE COURT WHICH WERE SUBMITTED BY THE RESPONDENT NO.4 BEFORE HIS SELECTION FOR THE POST OF SPECIAL SECRETARY TO THE MINISTRY OF AYUSH.
- D) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT NOS. 1 TO 3 TO PRODUCE ALL THE DOCUMENTS OR REPORTS ON THAT BASIS THE CONTRACT OF THE RESPONDENT NO.4 EXTENDED.
- E) GRANT SUCH OTHER ORDER OR RELIEFS AS THIS HON'BLE COURT DEEMS FIT TO GRANT IN THE FACTS AND CIRCUMSTANCES OF THIS CASE.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI



CNR: KAHC010459292026

NC: 2026:KHC:46432
WP No. 20698 of 2026

ORAL ORDER

1. The petitioner has filed the present writ petition challenging the order of continuing respondent No.4 as Secretary, Ministry of AYUSH, for a further period of one year beyond 28.06.2026, i.e., up to 28.06.2027, on contract basis.
2. The principal contention of the petitioner is that respondent No.4 does not possess the prescribed qualifications for appointment to the said post. It is contended that the appointment of respondent No.4 and the extension of his tenure have been the subject matter of challenge in other proceedings, including W.P. No.18073 of 2025 which is connected with W.P. No.3367 of 2026. During the pendency of the said writ petitions, the service of respondent No.4 was continued by virtue of the impugned order. The petitioner contend that the impugned continuation of respondent No.4 as Secretary, Ministry of AYUSH, is arbitrary and erroneous and,



CNR: KAHC010459292026

therefore, seek to quash the impugned order of continuation of respondent No.4 as Secretary, Ministry of AYUSH.

3. The respondents have raised a preliminary objection regarding the maintainability of the writ petition on the ground of lack of territorial jurisdiction. It is their contention that no part of the cause of action has arisen within the territorial jurisdiction of this Court.
4. It is also contended that the appointment and continuation of respondent No.4 was challenged before the Division Bench of High Court of Delhi and the Division Bench has not granted interim order therein. Hence, it is contended that this Court has no territorial jurisdiction to entertain the present writ petition. Accordingly, the respondents pray to dismiss the writ petition.
5. Sri.Tushar Mehta, learned Solicitor General of India, appearing for the Union of India, submits that the



CNR: KAHC010459292026

petitioner has challenged the order dated 20.06.2026, whereby the tenure of respondent No.4 as Secretary, Ministry of AYUSH, has been extended. He submits that the earlier order dated 25.05.2025 was also challenged before the High Court of Delhi in W.P. No.7629 of 2025 and W.P. No.4568 of 2025, the Division Bench has not granted an interim order and the same is pending for consideration. He further submits that the petitioner has not claimed any personal right to the post of Secretary, Ministry of AYUSH. The petitioner proceeds as public spirited person, seeking a writ of *quo warranto* coupled with a writ of certiorari. According to him, the instant writ petition has been filed before this Court only because the petitioner is residing in the State of Karnataka. Mere residence of the petitioner within the State of Karnataka, cannot confer territorial jurisdiction on this Court on the doctrine of *forum conveniens*. He submits that the Search-cum-Selection Committee



CNR: KAHC010459292026

NC: 2026:KHC:46432
WP No. 20698 of 2026

functioning under the competent authority, the consideration and recommendation by the said Committee, approval by the Appointments Committee of the Cabinet, issuance of the appointment order, issuance of each successive order of extension by the competent authority, the alleged breach of the Central Staffing Scheme, the Office Memorandum and Fundamental Rule-56(d)¹ of the Central Government Service Rules relied upon by the petitioner, the holding and discharge of the office alleged to have been usurped and the immediate civil consequences of the impugned order continuing respondent No.4 in office, have all taken place at Delhi. He submits that no cause of action, either wholly or in part, has arisen within the territorial jurisdiction of High Court of Karnataka.

¹ F.R-56(d): No Government servant shall be granted extension in service beyond the age of retirement of sixty years:



6. He submits that Article 226(2) of the Constitution of India enables a High Court to issue orders, directions or writs even where the seat of the Government, authority or residence of the person against whom the writ is sought is outside its territorial jurisdiction, provided that the cause of action, wholly or in part, arises within its territorial jurisdiction. He submits that none of the material events constituting the cause of action has taken place within the territorial jurisdiction of this Court. He further submits that, applying the general principles relating to territorial jurisdiction, the office of respondent No.1 and the office of the Ministry of AYUSH are situated at Delhi and the alleged cause of action has also arisen at Delhi. He also submits that the petitioner has not disclosed the pendency of the writ petitions before the High Court of Delhi challenging the extension of tenure. He further submits that the scope of a writ of *quo warranto* is limited and that public interest



CNR: KAHC010459292026

litigation in service matters is ordinarily not maintainable. Hence, on these grounds, he prays to dismiss the writ petition on the ground of lack of territorial jurisdiction.

7. *Per contra*, learned counsel for the petitioner submits that this Court has territorial jurisdiction to entertain the writ petition. He submits that the respondents had not raised an objection regarding territorial jurisdiction in the earlier proceedings and, therefore, the objection is hit by the principles of constructive *res judicata* under Explanation IV to Section 11 of the Code of Civil Procedure. He further submits that a citizen can seek a writ of *quo warranto* and stands in the position of a relator and need not establish any special or personal interest. It was also contended that delay and laches do not constitute an impediment to examining the matter on merits and that the credibility of governance depends upon the functioning of public authorities.



8. Learned counsel for the petitioner submits that the scope of Article 226 has been widened by the Constitutional amendment and that the accrual of cause of action constitutes an additional ground for conferring territorial jurisdiction upon the High Court. He submits that the *situs* of the office of the respondent would not, by itself, constitute a cause of action so as to confer jurisdiction upon a Court.
9. He further submits that, while determining the issue of territorial jurisdiction, the averments contained in the writ petition have to be taken as true. He also relied upon the doctrine of *forum conveniens* and submits that the petitioner has a cause of action which can be considered by this Court. Hence, on these grounds, he prays for rejection of the preliminary objection raised by the learned Solicitor General of India regarding maintainability of the writ petition for lack of territorial jurisdiction, and for consideration of the writ petition on merits.



10. In reply, Sri Tushar Mehta, learned Solicitor General of India, submits that the principle of constructive *res judicata* has no application to the facts of the present case. He submits that the Union of India has specifically raised the issue of maintainability and territorial jurisdiction in the connected writ petitions.
11. He submits that in the case of ***Dr.Amaragouda Patil v. Union of India and Others***², the challenge was to the appointment of the President/Chairperson of AYUSH. In the present case, the petitioner is challenging the continuation of respondent No.4 as Secretary, Ministry of AYUSH. The post involved in the earlier writ petition and the post involved in the instant writ petition are different and the person whose appointment or continuation is under challenge is also different. Hence, the question of

² 2025 SCC Online SC 297



CNR: KAHC010459292026

applying the principle of constructive *res judicata* does not arise.

12. He further submits that the petitioner has not pleaded any facts showing accrual of the cause of action within the State of Karnataka. Cause of action is a bundle of facts and no such material facts have arisen within the territorial jurisdiction of this Court. He, therefore, prays for dismissal of the writ petition.
13. Heard the learned counsel for the respective parties and perused the records.
14. The following point arises for consideration:

"Whether this Court has territorial jurisdiction to entertain the present writ petition when the situs of the office of the Ministry of AYUSH, the Search-cum-Selection process, the consideration and recommendation by the competent authorities, the approval of the Appointments Committee of the



CNR: KAHC010459292026

Cabinet, the issuance of the appointment order and the impugned order of continuation or extension are all at Delhi, and no part of the cause of action has arisen within the territorial jurisdiction of the State of Karnataka?”

15. It is an undisputed fact that respondent No.2, by communication dated 19.06.2017, approved the appointment of respondent No.4 as Special Secretary, Ministry of AYUSH, on a contractual basis for a period of three years. Respondent No.3 issued a Gazette Notification dated 29.06.2017 notifying the appointment of respondent No.4 as Special Secretary, Ministry of AYUSH. The tenure was thereafter extended from time to time.
16. The appointment of respondent No.4 as Special Secretary and the extension of his contractual tenure have also been the subject matter of challenge in connected writ petitions. The earlier proceedings



CNR: KAHC010459292026

NC: 2026:KHC:46432
WP No. 20698 of 2026

were instituted before the High Court of Delhi, where no interim order was granted. By virtue of the impugned order dated 26.06.2026 extending the tenure of respondent No.4, the petitioner has filed the present writ petition.

17. A preliminary objection has been raised regarding the maintainability of the writ petition on the ground of lack of territorial jurisdiction.
18. Admittedly, the notification inviting applications for the post of Special Secretary, Ministry of AYUSH, was issued at Delhi. Pursuant thereto, the Search-cum-Selection Committee considered the matter and respondent No.4 was selected and appointed on a contractual basis. The approval of the Appointments Committee of the Cabinet was also obtained. The appointment order and successive orders of extension were issued by the competent authorities at Delhi. The *situs* of the office held by respondent



CNR: KAHC010459292026

No.4 is also at Delhi. The impugned order extending the tenure of respondent No.4 has also been issued at Delhi.

19. Article 226(2) of the Constitution of India provides that a High Court may exercise jurisdiction where the cause of action, wholly or in part, arises within the territories in relation to which it exercises jurisdiction, notwithstanding that the seat of the Government, authority or the residence of the person against whom the writ is sought may be outside such territories.
20. Upon perusal of the memorandum of writ petition, this Court does not find any pleading disclosing the accrual of any material part of the cause of action within the territorial jurisdiction of this Court. The petitioner admittedly resides in the State of Karnataka and seeks to invoke the jurisdiction of this Court, *inter alia*, by relying upon the doctrine of



CNR: KAHC010459292026

forum conveniens. However, the residence of the petitioner, by itself, cannot constitute a cause of action. The law on this aspect is well settled.

21. Elucidating what constitutes a cause of action with respect to territorial jurisdiction, the Hon'ble Supreme Court in ***Om Prakash Srivastava v. Union of India and Another***³, has held as follows:

"7. The question whether or not cause of action wholly or in part for filing a writ petition has arisen within the territorial limits of any High Court has to be decided in the light of the nature and character of the proceedings under Article 226 of the Constitution. In order to maintain a writ petition, a writ petitioner has to establish that a legal right claimed by him has *prima facie* either been infringed or is threatened to be infringed by the respondent within the territorial limits of the Court's jurisdiction and such infringement may take place by

³ (2006) 6 SCC 207



CNR: KAHC010459292026

NC: 2026:KHC:46432
WP No. 20698 of 2026

causing him actual injury or threat thereof."

The Hon'ble Supreme Court further held:

"11. It is settled law that 'cause of action' consists of a bundle of facts, which give cause to enforce the legal inquiry for redress in a court of law. In other words, it is a bundle of facts, which taken with the law applicable to them, gives the plaintiff a right to claim relief against the defendant. It must include some act done by the defendant since in the absence of such an act no cause of action would possibly accrue or would arise. [***South East Asia Shipping Limited v. Nav Bharat Enterprises (P) Ltd. (1995) 3 SCC 443***]."

22. The above decision makes it clear that a cause of action is constituted by a bundle of material facts which gives the party a right to seek relief and such facts must have a direct nexus with the grievance raised before the Court.
23. While considering the scope of territorial jurisdiction under Article 226(2) of the Constitution of India, the



CNR: KAHC010459292026

NC: 2026:KHC:46432
WP No. 20698 of 2026

Hon'ble Apex Court in **ONGC v. Utpal Kumar Basu and Others⁴** held at paragraph 8 as follows:

"8. Therefore, merely because it read the advertisement at Calcutta and submitted the offer from Calcutta and made representations from Calcutta would not, in our opinion, constitute facts forming an integral part of the cause of action. So also the mere fact that it sent fax messages from Calcutta and received a reply thereto at Calcutta would not constitute an integral part of the cause of action... We are, therefore, of the opinion that even if the averments in the writ petition are taken as true, it cannot be said that a part of the cause of action arose within the jurisdiction of the Calcutta High Court."

24. The ratio of the aforesaid decision is that not every fact having some connection with the parties constitutes a part of the cause of action. The facts

⁴ (1994) 4 SCC 711



CNR: KAHC010459292026

relied upon must constitute an integral part of the cause of action.

25. The Hon'ble Apex Court further observed that the discretion of a Court cannot be exercised in favour of a party which has invoked the jurisdiction of a Court having no jurisdiction whatsoever. The principle underlying *Section 21 of the Code of Civil Procedure, 1908* is not to confer jurisdiction where none exists, but to avoid prejudice in cases where proceedings were bona fide instituted in a Court which is subsequently found to lack jurisdiction.

26. Applying the said principle to the facts of the present case, the mere residence of the petitioner in the State of Karnataka cannot constitute an integral part of the cause of action. The material events giving rise to the present challenge, namely, the appointment of respondent No.4 and the subsequent



CNR: KAHC010459292026

orders of continuation and extension of his tenure, have admittedly taken place at Delhi.

27. The Hon'ble Supreme Court in ***Kusum Ingots & Alloys Ltd. v. Union of India and Another***⁵, while considering Article 226(2) of the Constitution, held:

"30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of *forum conveniens*."

28. Thus, even where a small part of the cause of action arises within the territorial jurisdiction of a High Court, the Court is not bound to exercise its jurisdiction in every case. However, in the present case, the matter stands on a stronger footing. The

⁵ (2004) 6 SCC 254



CNR: KAHC010459292026

petitioner has not demonstrated that even a small or material part of the cause of action has arisen within the territorial jurisdiction of this Court. Therefore, the *doctrine of forum conveniens* cannot be invoked by the petitioner to create territorial jurisdiction where none otherwise exists.

29. The Hon'ble Supreme Court in ***Alchemist Ltd. and Another v. State Bank of Sikkim and Others***⁶, after considering the earlier decisions on the point, held:

"37. From the aforesaid discussion and keeping in view the ratio laid down in a catena of decisions by this Court, it is clear that for the purpose of deciding whether facts averred by the appellant-petitioner would or would not constitute a part of cause of action, one has to consider whether such fact constitutes a material, essential, or integral part of the cause of action. It is no doubt true that even if a small fraction of the cause of

⁶ (2007) 11 SCC 335



CNR: KAHC010459292026

action arises within the jurisdiction of the court, the court would have territorial jurisdiction to entertain the suit/petition. Nevertheless it must be a 'part of cause of action', nothing less than that."

The Hon'ble Supreme Court further held:

"38. In the present case, the facts which have been pleaded by the appellant Company, in our judgment, cannot be said to be essential, integral or material facts so as to constitute a part of 'cause of action' within the meaning of Article 226(2) of the Constitution. The High Court, in our opinion, therefore, was not wrong in dismissing the petition."

"39. For the foregoing reasons, we see no infirmity in the order passed by the High Court dismissing the petition on the ground of want of territorial jurisdiction."

30. The decision in ***Alchemist Ltd.*** (*supra*) is directly applicable to the present case on hand. The facts pleaded by the petitioner do not disclose any material, essential or integral event having taken



CNR: KAHC010459292026

place within the State of Karnataka so as to constitute a part of the cause of action under Article 226(2) of the Constitution of India.

31. In the recent decision of the Hon'ble Supreme Court in ***State of Goa v. Summit Online Trade Solutions (P) Ltd.***⁷, the settled principles have been reiterated. The Hon'ble Supreme Court held:

"14. While dealing with an objection as to lack of territorial jurisdiction to entertain a writ petition on the ground that the cause of action has not arisen within its jurisdiction, a High Court essentially has to arrive at a conclusion on the basis of the averments made in the petition memo treating the contents as true and correct. That is the fundamental principle."

32. The Hon'ble Supreme Court further held that the party invoking Article 226(2) of the Constitution must establish that the facts pleaded constitute a

⁷ (2023) 7 SCC 791



CNR: KAHC010459292026

material, essential or integral part of the cause of action and must have a nexus with the subject-matter of challenge and the relief sought.

33. Applying the above principles, this Court is required to examine the averments contained in the writ petition. Even if all the averments of the petition are taken to be true, the petition does not disclose any material, essential or integral part of the cause of action arising within the territorial jurisdiction of this Court.

34. The notification for the post, the selection process, consideration and recommendation by the competent authorities, approval by the Appointments Committee of the Cabinet, appointment of respondent No.4, successive extensions of his tenure, issuance of the impugned order dated 26.06.2026 and the *situs* of the office held by respondent No.4 are all at Delhi.



35. Thus, the entire bundle of material facts forming the foundation of the present challenge is connected with Delhi. The petitioner cannot confer territorial jurisdiction upon this Court merely because he is a resident of the State of Karnataka. Residence of the petitioner is not a material, essential or integral fact required to establish the alleged illegality in the appointment or continuation of respondent No.4.
36. The submission that the present petition is one for issuance of a writ of *quo warranto* does not alter the position. The question of locus to seek a writ of *quo warranto* and the question of territorial jurisdiction are distinct. Even if a citizen is entitled to seek such a writ, the petition must be presented before a Court having territorial jurisdiction under Article 226 of the Constitution.
37. Similarly, it is unnecessary for this Court to enter into the merits of the allegations regarding the



CNR: KAHC010459292026

NC: 2026:KHC:46432
WP No. 20698 of 2026

qualifications of respondent No.4, the legality of his appointment or continuation, the applicability of the Central Staffing Scheme, the Office Memorandum or Fundamental Rule-56(d)⁸ of the Central Government Service Rules. Once this Court comes to the conclusion that it lacks territorial jurisdiction, it would not be appropriate to give any finding on the merits, particularly when such observations may prejudice the parties before the appropriate forum.

38. The contention relating to constructive *res judicata* also does not assist the petitioner in the facts of the present case. The earlier proceedings referred to by the parties concern a different post and a different challenge. In any event, the present writ petition has to satisfy the constitutional requirement of territorial jurisdiction under Article 226(2) independently on the basis of the cause of action pleaded herein.

⁸ F.R-56(d) No Government servant shall be granted extension in service beyond the age of retirement of sixty years:



39. For the aforesaid reasons, this Court is of the considered view that no cause of action, either wholly or in part, has arisen within the territorial jurisdiction of this Court.
40. In connected writ petitions, wherein the initial appointment of respondent No.4 as the Secretary, Ministry of AYUSH is challenged, no interim order is granted.
41. Accordingly, the point for consideration is answered in the negative.
42. In view of the above discussion, I proceed to pass the following order:

ORDER

- (i) The writ petition is ***dismissed*** on the ground of want of territorial jurisdiction.
- (ii) However, liberty is reserved to the petitioner to approach the



CNR: KAHC010459292026

appropriate forum having jurisdiction and seek appropriate relief, in accordance with law.

- (iii) It is made clear that this Court has not expressed any opinion on the merits of the rival contentions, and all contentions of the parties are left open to be urged before the appropriate forum.
- (iv) Pending interlocutory applications, if any, shall stand disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE