

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13919 of 2013

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Sardar Kumar Singh Son Of Haribansh Singh Resident Of Village Chilkipar, P.S.
Rahui, District Nalanda

.... Petitioner/s

Versus

1. Bharat Heavy Electricals Limited, Through Its General Manager, BHEL House, Siri Fort, New Delhi- 110049
2. The General Manager, Bharat Heavy Electricals Limited, BHEL House, Siri Fort, New Delhi- 110049
3. The Additional General Manager, Bharat Heavy Electricals Limited, BHEL House, Siri Fort, New Delhi- 110049
4. The Senior Deputy General Manager, Bharat Heavy Electricals Limited, BHEL House, Siri Fort, New Delhi- 110049

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha, Adv.
Mr. Abhimanyu Deo, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 20-12-2016

Heard learned counsel for the petitioner and counsel for the
Bharat Heavy Electrical Limited (in short 'BHEL').

The matter relates to appointment of the petitioner on the post of Hindi Typist. An advertisement, bearing Advt. No. 8 of 2011, was published for the post of Translation Assistant and Hindi Typing Assistant. The applications were invited. Accordingly, the petitioner applied for the said post but, he could not be selected. A claim has been made by the petitioner that he has wrongly been deprived of the selection and mentions that illegally he has been deprived of the employment.

A preliminary objection has been raised by the BHEL. In



the counter affidavit, a plea has been taken that this Court has no territorial jurisdiction as the cause of action has taken place within the Delhi area, as the petitioner has appeared in the typing test as well as in the interview at Delhi and only a communication was given to the petitioner at Patna will not create any cause of action in favour of the petitioner.

Learned counsel for the petitioner has placed reliance on the judgment of Hon'ble Apex Court in the case of *Nawal Kishore Sharma Vs. Union of India & Ors.* reported in *2014(9) SCC 329*. In the recent past also, I myself had examined an identical matter in C.W.J.C. No. 2998 of 2013 and disposed of the same on 17.5.2016 (Sunil Kumar Yadav Vs. The Union of India & Ors.) and, placing reliance on different judgments, had held that mere service of notice will not create a cause of action.

Thus, in view of the above, this Court has no territorial jurisdiction and, accordingly, the writ application is dismissed with a liberty to the petitioner that, if so advised, he may raise his grievance before appropriate court/forum.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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