

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18476 of 2016

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Mukesh Kumar Son of Premdhar Ram Resident of Village-Ramji Chak Bank, P.O.-
Byapur, P.S.-Maner, District- Patna

.... Petitioner/s

Versus

1. The Union of India through Chairman and Executive Officer, Department of Atomic Energy, Heavy Water Board, Mumbai
2. The Chairman and Chief Executive Officer, Department of Atomic Energy, Heavy Water Board, Mumbai
3. The Director of Board, Recruitment Section, Department of Atomic Energy, Heavy Water Board, Mumbai
4. The Chief Administrative Officer, Heavy Water Board, Mumbai
5. The Assistant Personnel Officer (Recruitment) Heavy Water Board, Mumbai

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha Mr. Harish Kumar
For the Respondent/s	:	Mr. S.D Sanjay (Addl. Soc. Gen.) Mrs. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 23-11-2016

Heard learned counsel for the parties.

The preliminary objection raised on behalf of the respondent-Union of India about the maintainability of the writ application seems to be correct, keeping in mind the ratio laid down by a Learned Single Judge in the case of *Sunil Kumar Yadav Versus Union of India and others, reported in 2016 (3) PLJR 870*. The Court had summed up the ratio of the case in paragraph 50, which is reproduced hereinbelow:

"50. In view of the aforesaid proposition of law mentioned hereinabove, if that proposition is applied to the present case it appears from the fact that Staff Selection Commission, Banglore, issued an advertisement

prescribing the qualification, the notification was also published in the State of Bihar. The petitioner applied for the post, annexing his caste certificate. Accordingly, preliminary test was conducted at Allahabad and after clearing preliminary test, the petitioner appeared in the final written test, which was conducted at Lucknow. As the petitioner did not produce his proper caste certificate, he was communicated his that he was not selected. In such view of the matter, all the action can be said integral part of cause of action or part thereof has not been taken place in the State of Bihar. Either it has taken place in the State of Karnataka from where the Notification was published or in the state of U.P. where the petitioner has appeared either in the preliminary test or in the final written test. Mere service of notice does not create any cause of action or any fraction cause of action with this Court to entertain this petition”

In view of the above, the writ application of the petitioner is dismissed on the ground of lack of territorial jurisdiction. However, dismissal will not come in the way of the petitioner, pursuing the remedy before the appropriate Court or forum.

Writ application is dismissed in terms of above.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	AFR
CAV DATE	
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