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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9237/2016**
YUNUS SALMANI

..... Petitioner

Through: Mr. A.C. David, Adv. with Mr.
Rajesh Kumar, Adv.

versus

UOI AND ORS

..... Respondent

Through: Ms. Shubhra Parashar, Adv. for R-1
to 3

CORAM:
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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05.10.2016

1. In this writ petition, the petitioner has challenged a communication dated 14th June, 2016, whereby his candidature for appointment to the post of Soldier GD has been rejected on the ground that he did not belong to the Hindu Nai community but the Muslim Nai community and there was no vacancy available for the Muslim Nai category to which the petitioner belonged.

2. The impugned communication has been issued from the Army Recruiting Office in Uttarakhand. It appears certain reservations are made as per U.P Public Service Reservation Ordinance, 1994 (Scheduled Castes,

Scheduled Tribes and other Backward Classes), which is applicable in the State of Uttarakhand.

3. Considering that the petitioner is based in Uttarakhand, the entire cause of action has taken place in Uttarakhand, the appointing authority is located in Uttarakhand and an Uttarakhand notification is in issue, we are not inclined to exercise jurisdiction.

4. The writ jurisdiction is a discretionary jurisdiction. Even assuming that we do have territorial jurisdiction to entertain a writ petition, we might still decline, if we feel that it would not be convenient to entertain the writ petition in this Court.

5. We are of the view that the writ petition should be filed in the High Court of Uttarakhand. The writ petition is, therefore rejected. We make it clear that we have not gone into the merits of the contentions of the respective parties. The rejection of this writ petition will not prevent the petitioner from filing a writ petition in the High Court of Uttarakhand on the same cause of action, if otherwise maintainable in law.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

OCTOBER 05, 2016/ak