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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11193/2016

KIWIN SUDHAKARAN

..... Petitioner

Through: Mr.M.T. Ramachandran with  
Ms.Aswati M.K., Advs.

Versus

G KISHORE AND ORS

..... Respondent

Through: Mrs.Bharathi Raju, CGSC with  
Ms.C.Rubavathi, Adv. for UOI.  
Mr.Anil Grover with Ms.Noopur Singhal, Advs.  
for R-2.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR.JUSTICE V.KAMESWAR RAO**

**ORDER**

% **25.11.2016**

**CM No.43777/2016(exemption)**

Allowed, subject to all just exceptions.

**W.P.(C) No.11193/2016**

1. This petition by way of public interest litigation has been filed seeking a writ of quo warranto quashing the appointment of the respondent No.1 as the Principal of Laxmi Bai National College of Physical Education, Thiruvananthapuram.
2. We may at the outset point out that the petitioner is residing in State of Kerala and the issue sought to be raised relates to appointment of the respondent No.1 as Principal of a college situated in the State of Kerala affiliated to the respondent No.4/University of Kerala. The allegation is that the respondent No.1 is not eligible to be appointed as Principal since he failed to satisfy the prescribed eligibility criteria. Except stating that the

college in which the respondent No.1 was appointed as Principal is a part of the academic wing of the respondent No.2/Sports Authority of India which is situated in Delhi, there is no specific plea in the petition to show that this Court has territorial jurisdiction to entertain the petition. Even assuming that a part of cause of action has arisen within the territorial limits of Delhi on account of situs of respondent No.2, having regard to the fact that the petitioner as well as the respondent No.1 are residing in the State of Kerala and even the college in question and the University to which it is affiliated are situated in Kerala, we are of the view that it is a fit matter for applying the doctrine of *forum conveniens*. As held in ***M/s Sterling Agro Industries Ltd. v. Union of India & Ors; ILR (2011) VI Delhi 729***, the doctrine of *forum conveniens* and the nature of cause of action are required to be scrutinized while entertaining a writ petition depending upon the factual matrix of each case.

3. In the facts and circumstances of the present case which we have already noticed above and following the ratio laid down in ***M/s Sterling Agro Industries Ltd. (Supra)***, we therefore refuse to exercise the discretionary jurisdiction under Article 226 of the Constitution of India.

4. Accordingly, the writ petition is dismissed on the ground of *forum non-conveniens*. However, the petitioner is at liberty to work out the remedy available law before the appropriate forum.

**CHIEF JUSTICE**

**NOVEMBER 25, 2016/pmc**

**V.KAMESWAR RAO, J**