

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4673/2016.

Siddhant Dilip Jangam

-VERSUS-

Coal India Limited, Kolkatta and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATE : FEBRUARY 23, 2017.

Heard Shri P.N. Shende, learned Counsel
for the petitioner, Shri A.M. Ghare, learned Counsel
for respondent no.1 and Shri C.S. Samudra, learned
Counsel for respondent no.2.

2. Petitioner, a student then taking education
at Nagpur, in campus selection process was offered
placement as management trainee vide offer letter
dated 18.09.2015. The letter specifically stipulated
that on being found medically fit, he would be allowed
to join services of the company and undergo training

2

of two weeks at IICM, Kanke, Ranchi (Jharkhand). His posting was to be done at any establishment of Coal India Limited or its Subsidiary company in India or abroad. Thereafter it was also mentioned that if he fail to report for medical examination on scheduled date, the offer would automatically stand cancelled.

3. It is not in dispute that petitioner reported for medical examination, was found medically unfit. He was then medically examined at three different places again, one of them being Nagpur. However, earlier finding was maintained.

4. Petitioner thereafter was informed that he cannot be appointed because of illness of Diabetes Mellitus. This communication dated 28.06.2016 is received by him at Nagpur.

5. Shri Shende, learned counsel submits that therefore, initial recruitment process was carried out at Nagpur, petitioner was selected and was asked to report at Ranchi, when he was at Nagpur. One of his medical examination to find out suitability was also carried out at Nagpur and impugned communication dated 28.06.2016 is received by him at Nagpur, hence, Court at Nagpur has got jurisdiction to take

3

cognizance. He invites attention to paragraph no.12A added in Writ Petition vide amendment to substantiate his contentions.

6. Shri Ghare, learned counsel for respondent is relying upon additional submissions filed by respondent no.1 in reply to that amendment. He contends that it was only a offer for employment which could not be materialize. He submits that everything has taken place at Ranchi, and therefore, this Court lacks territorial jurisdiction. He is relying upon the facts disclosed in additional affidavit for that purpose.

7. Learned counsel for petitioner in reply relies upon the Division Bench judgment of Madras High Court in Writ Petition No. 33859/2015, delivered on 27.10.2015 (Union of India and others .vrs. The Registrar, Central Administrative Tribunal and another). Our attention is invited to observations contained in paragraph no.11 to urge that illness found by respondents has got no relevance. On merits Shri Shende, learned counsel also submits that there are medical certificates to the contrary.

8. It is apparent that in view of the

preliminary objection, we cannot look into the merits of the controversy. What was given to petitioner at Nagpur was only an offer. He was therefore not selected. As per terms and conditions, though he was expected to clear medical examination and thereafter training. After completing the same he could have been given posting anywhere in India or even outside India. Thus no such order of appointment has been till date served upon him.

9. Cancellation of offer by impugned communication dated 28.06.2016, therefore by itself does not enable him to claim employment.

10. Petitioner was student at Nagpur and respondents may have carried out drive of campus placement at various places. However, they have only given offer and the process was to be finalized at Ranchi. Grievance of petitioner that he has been erroneously declared medically unfit, therefore, needs to be looked into by the competent Court having jurisdiction on Ranchi area. No cause of action or even part thereof has arisen at Nagpur. Hence, leaving all contentions on merit open and with liberty to petitioner to approach the competent Court as per law,

we dispose of the present Writ Petition. No costs.

JUDGE

JUDGE

Rgd.