

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 889 of 2017 (O&M) in
CWP No. 19044 of 2013

Date of decision: 13.3.2018

Sandeep and others

.. Appellants

v.

Union of India and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B. S. WALIA

Present: Mr. Ravi Kant Sharma, Advocate for the appellants.

...

Rajesh Bindal J.

The order dated 19.4.2017 passed by the learned Single Judge dismissing the writ petition as not maintainable on account of territorial jurisdiction has been impugned by filing the present intra-court appeal.

The appellants were candidates for the post of Havildar Clerk advertised by Assam Rifles way back on 5.10.2012. As per the advertisement, Assam Rifles is having its directorate office in Shillong. The entire selection process was to be conducted in Shillong, namely, physical efficiency test, written test and medical fitness. The appellants having not been selected filed the writ petition in this court, which was dismissed on account of territorial jurisdiction.

Impugning the order, learned counsel for the appellants, while placing reliance upon judgment of Hon'ble the Supreme Court in Nawal Kishore Sharma v. Union of India and others, (2014) 9 SCC 329, submitted that partial cause of action having arisen within the jurisdiction of this court, the writ petition should be entertained. There are communications sent by respondent No. 2 to the appellants at the addresses in the State of

Haryana.

After hearing learned counsel for the appellants, we do not find any merit in the submissions made. The communications being referred to by the appellants were merely at the stage when the selection process was in progress. They were issued letters for appearance in trade test. Those have not been impugned. The only prayer made in the writ petition is for a direction to issue appointment letters to the appellants. Respondent No. 1 in the writ petition is Union of India through Ministry of Home Affairs, which may be the controlling Ministry for Assam Rifles, however, not directly involved in the process of selection. Respondent No. 2, namely, Directorate General, Assam Rifles, Shillong (Meghalaya), does not fall within the territorial jurisdiction of this Court. Otherwise also, the matter being of selection and to examine the claim made by the appellants, entire record of selection may have to be called from there.

For the reasons mentioned above, we do not find any error in the order passed by the learned Single Judge. Accordingly, the appeal is dismissed. However, it is made clear that this court has not opined on the merits of the controversy as the writ petition filed by the appellants was dismissed only on account of lack of territorial jurisdiction. The appellants, if so advised, may avail of their appropriate remedy in the court of competent jurisdiction.

(Rajesh Bindal)
Judge

(B. S. Walia)
Judge

13.3.2018
mk

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

