

17th December, 2021
(D/L No.16)
(SKB)

WPA 14946 of 2021
(Via Video Conference)

Mandira Pal
Vs.
The Union of India and others

Mr. Anindya Lahiri,
Mr. Somdev Ash
... for the petitioner.

Ms. Soma Roychoudhuri
... for respondent nos.3 & 4.

The petitioner seeks a mandamus on the National School of Drama, New Delhi, to impart all instructions in English and in all regional languages as opposed to only Hindi.

Learned counsel appearing for the petitioner submits that the petitioner does not have a working knowledge of Hindi and was disqualified by the National School of Drama from the selection process. Counsel submits that since Hindi is a regional language, the National School of Drama should also include Bengali as a medium of instruction.

Learned counsel appearing for the National School of Drama points to a jurisdiction clause and opposes any prayer being granted in favour of the petitioner.

Upon hearing learned counsel for the parties, this court is of the view that the petitioner cannot have any

case against the National School of Drama as the petitioner admittedly did not participate in the said selection. The petitioner has not been able to show any prejudice arising out of the selection process. Further, the Admission Notice-2021 for the Three Year Diploma Course in Dramatics 2021-2024 provides that in case of any legal dispute, the High Court of Delhi would have the jurisdiction to entertain the dispute.

The decisions cited by learned counsel appearing for the petitioner are being dealt with in sequence.

Counsel cites decision of a learned Single Judge reported in *(2014)3 CALLT: AIR 2015 Cal 67 (Pankaj Panwar Vs. Lalit Kala Akademi)* to urge the point that a writ court can assume jurisdiction where the effect of the impugned act is suffered by the writ petitioner.

In *Pankaj Panwar*, a public notice was published by the Lalit Kala Akademi, which directly affected the petitioner who was visited with the penalty of withdrawal of the national award without being called to participate in any proceedings. The court relied on *Everest Coal Company Vs. Coal Controller : 90 CWN 438* where it was held that in order to maintain writ application, the writ petitioner has to establish that within the territorial limits of the court's jurisdiction prima facie a legal right claimed by him has been either infringed or is threatened to be infringed by the respondents. Counsel also relies on an unreported

decision of a Division Bench in *MAT 1569 of 2019 (Parimal Mistry Vs. The Union of India and others)* where the National School of Drama was a party before the court. This fact alone cannot be a ground to hold that the writ petition is maintainable. In fact the appeal from the order of dismissal of the writ petition by the First Court, was also dismissed.

None of the above decisions hence assist the writ petitioner. Article 226(2) of the Constitution of India mandates that a high court is empowered to issue directions, orders or rights to any of the authorities mentioned under Article 226 in relation to the territories within which the cause of action wholly or in part arises for its exercise of such power. The petitioner is unable to show any cause of action having arisen within the territorial limits of this court.

In the present case, the petitioner has not participated in the selection test of the National School of Drama and has taken an objection to the selection guidelines only on the basis of the language barrier contained in the selection guidelines. Admittedly, no rejection or any notice affecting the petitioner has been received by the petitioner within the territorial limits of this court which can be said to form a part of the cause of action. The argument of the petitioner for not having participated in the selection test by reason of

the consequent prejudice which accrue in the event the petitioner comes to the court is weak and speculative.

Even if the court were to undermine the significance of the jurisdiction clause in the selection guidelines, the petitioner has not been able to establish any cause of action in the present writ petition for approaching this court.

W.P.A. 14946 of 2021 is dismissed in view of the above reasons

There will be no order as to costs.

(Moushumi Bhattacharya, J.)