

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:-

Hon'ble Mr. Justice Aniruddha Roy

W.P.A. 25264 of 2022

**Sebabrata Educational Trust
vs.
The State of West Bengal & Ors.**

For the Petitioner:

**Mr. Sabyasachi Chatterjee, Adv.,
Mr. Pintu Karar, Adv.,
Mr. Akashdeep Mukherjee, Adv.,
Ms. Sayani Manna, Adv.**

For the Respondent Nos. 1 to 4/State:

**Mr. Swapan Kr. Datta, Additional Govt. Pleader,
Mr. Tapas Kumar Mandal, Adv.**

For the Respondent No.5/WBUHS:

**Mr. D.N. Maiti, Adv.,
Ms. Sharbani Ghosal, Adv.**

For the Respondent No.6/INC:

Mr. Nilotpal Chatterjee, Adv.

Reserved on:

16.12.2022

Judgment on:

21.12.2022

ANIRUDDHA ROY, J.:

Facts:-

1. The writ petitioner is a trust within the meaning of the Indian Trust Act, 1882. The petitioner runs a Nursing Institute and imparts Nursing Course at and from Uluberia, Howrah under the name and style of “**Sebabrata Institute of Nursing**” (for short, the Nursing institute). The petitioner imparts **B.Sc Nursing** and **GNM Nursing** Courses.

The accommodation for B.Sc Course comprises of 60 nos. of seats and that of for GNM Nursing another 60 nos. of seats. The petitioner had obtained all the valid recognition, and registration from the respondent no.4. The issue involved in this writ petition concerns the **Academic Year 2022-23**. The final result of the **West Bengal Joint Entrance Examination JENPAUH, 2022** had been published and the counseling for both the said courses, namely, B.SC Nursing and GNM Nursing had been started for the said **Academic Year 2022-23**. The name of the Nursing institute was included in the Admission Council Portal.

2. After completion of the last round of centralized **MOP-UP** counseling the concerned authority had announced for decentralize counseling by its memo dated September 07, 2022, **Annexure P-3** to the writ petition, wherein it was specified that the students must be verified with GMR rank card and it was also specified that **no candidate from outside the State would be allowed to undergo the training in this State**.
3. By a further notification dated October 21, 2022 the Indian Nursing Council, **Annexure P-4** to the writ petition, had extended the date for admission in various nursing colleges for the said **Academic Year 2022-23** from October 31, 2022 to December 31, 2022 with certain restrictions mentioned therein. As per the guidelines framed by the authority from time to time and in terms of the said notification, Nursing Institute of the petitioner was able to take admission for the said academic year in respect of its vacant seats which were not filled up after the central counseling both for B.Sc and GNM Nursing Courses.
4. The nursing institute then came to know of a further notification dated October 26, 2022, **Annexure P-5** to the writ petition, in which it was specified that in earlier decentralized counseling 25% having been filled up and large number of seats for the course still being vacant aspirant students who were otherwise eligible under the

Norms of the Indian Nursing Council (for short, the INC Norms) could get admission in this State subject to a restriction that, ***“No candidates from outside states will be allowed to undergo the training in this State”***.

5. The petitioner contended that, the said restriction mentioned in the said Notice dated October 26, 2022, **Annexure P-5** to the writ petition, issued by the respondent no.3 was arbitrary, illegal, wrongful, unreasonable and against the constitutional mandates.
6. In the light of the above factual matrix, the instant writ petition was filed claiming following reliefs:-

“a) Dispense with rule 26 of the Calcutta High Court appellate side rules.

b) A writ or writs of/ or in the nature of Mandamus commanding the respondent authorities to allow the petitioner to get admission in decentralized Schedule Counseling and or any further counseling for the academic year of 2022-2023 maintain by concerned respondent authority and to allow the petitioner to start admission in the nursing course called GNM and B.Sc for the session 2022-23 forthwith restriction of any eligible students come from the state;

c) A writ or writs of/ or in the nature of Mandamus commanding the respondent authorities not to give effect to the decision of the respondent authority by putting restriction to take admission of eligible students outside the states and allow the petitioner to participate in decentralized Counseling process in the admission process so that the petitioner may take admission for students in the nursing course immediately without any state restriction for the session of 2022-23 as declared by the Indian National Council or till any date as may be extended or as may be directed by this Hon’ble Court;

d) A writ or writs of/ or in the nature of Mandamus commanding the respondent authorities to consider the grievance of the petitioner by set aside/regined/withdraw/quashed the specific portion of the notification memo no. HNG/3M-37-2020/1382 dated 26th October, 2022 as stated “NO CANDIDATES FROM OUTSIDE STATES WILL BE ALLOWED TO UNDERGO THE TRAINING IN THIS STATE” and to allow the petitioner to participate in the ongoing decentralized counseling and thereafter admit the eligible student in the vacant seats without any restriction of state barrier by conducting the decentralized counseling and or further counseling for the academic years of 2022-2023;

e) Issue a writ or writ in the nature of certiorari by directing the respondents to produce all the relevant records before the Hon’ble Court, so that conscionable justice may be done by quashing the same.

f) Rule NISI in terms of prayers (b),and (c) as above.

g) Ad-interim order in terms of prayer b), c) and d) as above;

h) Costs pertaining to this application.

i) Any other further order or orders, direction or directions as your Lordship may deem fit and proper.”

Submissions:-

7. Mr. Sabyasachi Chatterjee appearing for the petitioner representing the nursing institute submitted that, the restrictive condition mentioned in the said notice dated October 26, 2022, **Annexure P-5** to the writ petition, to the extent that **no candidates from outside states will be allowed to undergo the training in this state** was not only illegal, wrongful and arbitrary but also violative to the various constitutional mandates, including Article 14 of the Constitution. Learned counsel submitted that, once the seats were found to be vacant after the centralized counseling, such vacant seats should be kept open for an open admission following the same manner of admission as in the centralized counseling where any aspirant student from any State of the country after qualifying the INC norms should take an admission and pursue his/her education.
8. He further submitted that, the restriction imposed in favour of a particular State only, as had been done in the instant case, would amount to taking away the valuable right of the aspirant students of other states who otherwise had fulfilled the criteria under the INC norms. He submitted that, the INC norms should be the guiding factor for admission. The INC norms did not contemplate any such prohibitory restriction. The State authority by imposing such prohibitory restriction had acted in violation of the said INC norms also.
9. The learned counsel submitted that, the reservation in terms of the constitutional mandate as provided under Articles 15 and 16 or any other provisions under any part of the constitution or any other statute were held to be just, proper and not in

violation of any constitutional provision or statutory provision but the restrictions imposed by the State authority in the said notice dated October 26, 2022, **Annexure P-5** to the writ petition, being dehorse and not falling within any such reservation policy was unreasonable, arbitrary and illegal. Such restriction should not sustain in the eye of law. On the basis of domiciled place depending upon the geographical area reservations were permitted but simply on the basis of place of birth no such reservation or restriction was permitted in law. In support, Mr. Chatterjee had relied upon the judgments of Madhya Pradesh High Court and Hon'ble Supreme Court, which are:-

- (i) In the matter of: Association of Private Universities, Madhya Pradesh and Another vs. State of Madhya Pradesh and Others, dated September 21, 2021 delivered by a Division Bench of Madhya Pradesh High Court at Jabalpur in writ petition no. 6509 of 2019.*
- (ii) In the matter of: Saurabh Chaudri and Others vs. Union of India and Others, reported at (2003) 11 SCC 146.*
- (iii) In the matter of: Dr. Pradeep Jain and Others vs. Union of India and Others, reported at (1984) 3 SCC 654.*

10. Mr. Chatterjee on behalf of the petitioner submitted that, the Nursing Institute through the petitioner carried on a profession by running the said institute by way of imparting Nursing Education to the students at large. The petitioner had incurred huge expenses to build up the necessary infrastructure for the same and without such infrastructure being built up the INC would not have granted recognition to the said Nursing Institute for running the course. The said Nursing Institute earns money from the fees and charges deposited by the aspirant students. Seats are vacant and to fill up these seats the State Authority had issued the said notification for **B.Sc Nursing**

course by imposing the said restriction that **no candidate from outside states will be allowed to undergo the training in this State**, such restriction had affected the right of the petitioner guaranteed under Articles 19(1)(g) and 300A of the Constitution. By virtue of insertion of the said unreasonable restriction the students who are citizens of India but belong to different States were debarred from pursuing their educational carrier and the same was in violation of Article 14 of the Constitution of India. The said restriction eventually created a **quota** for the State only debarring the other citizen students to participate in the Entrance Examination for Nursing Courses. Mr. Chatterjee submitted that creation of such **quota** for the State Candidates were not permitted under the relevant provisions of the Constitution and accordingly violative to the Constitutional mandate.

11. On the strength of the above legal propositions, Mr. Chatterjee submitted that, the said restriction should be set aside and quashed from the said notice dated October 26, 2022, **Annexure P-5** to the writ petition and the remaining part of the said notice should remain.
12. Mr. Swapan Kumar Datta, learned senior advocate and the Additional Government Pleader appearing for respondent nos. 1 to 4 at the threshold argued on the maintainability of the writ petition. He submitted that, the petitioner did not have the **locus standi** to maintain the said writ petition. He submitted without admitting that the said restriction imposed by the State authority in the said notice dated October 26, 2022 even if unreasonable or illegal or unconstitutional or that the said restriction had affected anybody, the same had affected an aspirant students who sought to take admission for the nursing course in the said nursing institute as a candidate from outside State of West Bengal. No such outstation candidate had challenged the said clause. Leaned Senior State Counsel submitted that, to seek a writ for mandamus

under Article 226 of the Constitution of India, a valuable legal or constitutional right of the petitioner must have to be infringed. In the instant case, the nursing institute is a registered institute and engaged in imparting nursing education **at and from the State of West Bengal**. The same is registered with the relevant nursing council. Therefore, no right of the petitioner had been infringed for which he could have filed this writ petition. The learned senior state counsel submitted that, no restriction was imposed upon the petitioner and the petitioner could proceed to admit the students from the State of West Bengal who qualified the INC norms, without any restriction. In support, Mr. Datta relied upon the decision of the Hon'ble Supreme Court ***In the matter of: D. Nagaraj vs. State of Karnataka and Others etc., reported at AIR 1977 Supreme Court 876.***

13. The Learned Additional Government Pleader without prejudice to his clients' rights and contentions that the writ petitioner did not have any **locus** to maintain the said writ petition and on this ground alone the writ petition should be dismissed even without addressing on the merits thereof, he proceeded to make further submissions without prejudice to his clients' such contention. He further submitted that, the writ petition is otherwise also devoid of any merit.
14. Learned Additional Government Pleader then placed the averments made in the writ petition and submitted that, no case was made out as to violation of Article 14 or 19(1)(g) or 300A of the Constitution of India. No case was also made out that the said impugned notification which was a policy decision of the State was adopted with any malice in exercising the discretion by the State authorities. He submitted that the submissions made on behalf of the petitioner that the said impugned restriction contained in the said notice dated October 26, 2022 was in violation of the said

constitutional provisions was made from the bar and not pleaded in the writ petition, this Court should not take any cognizance thereof.

15. Referring to page 58, **Annexure P-3** to the writ petition being the notice dated September 07, 2022 issued by the respondent no.3 Mr. Datta submitted that, after finding the vacancy after completion of **MOP-UP** Counseling by the West Bengal Joint Entrance Examinations Board (for short, WBJEEB) for common Entrance Test for Nursing, Para Medical and Allied Sciences Under Graduate Course, 2022 (for short, JENPAS (UG)-2022) and ANM & GNM Exam 2022, in order to fill up such vacancies for B.Sc Nursing and GNM Course at different non government institution, decentralized counseling process was allowed at the institutional level by the private institutions subject to maintaining the INC criteria. The same restriction was also there that **no candidates from outside States will be allowed to undergo the training in this State.** Referring to page 59, **Annexure P-4** to the writ petition being the notification dated October 21, 2022 issued by the respondent no.6, Mr. Datta submitted that, considering the request letter from the State with respect to extension of last date of admission for the nursing course for the **Academic Year 2022-23**, the respondent no.6 extended the same from October 31, 2022 till December 31, 2022. It was further clarified in the said notification by the respondent no.6 that the students who were admitted upto to October 31, 2022 were classified as **Regular Batch** and the students to be admitted thereafter till December 31, 2022 would be classified as **Irregular Batch** whose classes should commence from January 02, 2023. The Learned Additional Government Pleader then submitted that, the said regular batch of students had already been admitted and there classes had commenced on the basis of the said restriction. Therefore, for the said irregular batch of students if the restriction

would be removed as unreasonable then there shall a serious conflict between the said two classes of students and in such a case the doctrine of equality would be violated.

16. Learned Additional Government Pleader then referring to the various provisions from the INC Regulation submitted that, such Regulation also provided that the entire process for Nursing Courses belonged to the domain of the State and there was no scope for any separate Central Quota. The entire examination process was to be conducted, controlled and completed for admission of the Nursing Courses under the absolute authority of the State and not otherwise at all. The restriction imposed in the said impugned notice dated October 26, 2022, **Annexure P-5** to the writ petition was, thus, within the authority, discretion and domain of the State that only a citizen of India being a resident of the State would be eligible to participate in the entrance examination. Such restriction could not be construed as creation of any **“Quota”** as Under Graduate Medical Entrance where 50% of the entire strength of students capacity belonged to central quota and the rest 50% belonged to State quota. It was not a case of reservation in terms of Article 15 or 16 of the Constitution of India.
17. To distinguish the judgment of the Madhya Pradesh High Court ***In the matter of: Association of Private Universities, Madhya Pradesh (supra)***, Mr. Datta submitted that, from a plain reading of the judgment it would be evident that no ratio was laid down in the said judgment and the Madhya Pradesh High Court had observed that **in view of the reference on the question of law involved in the matter in which the said judgment was rendered having already been referred to the Larger Bench of the Hon’ble Supreme Court *In the matter of: Dr. Tanvi Behl*, the Madhya Pradesh High Court thought it fit not to interfere with the impugned provision under challenge.** He submitted that, in view of the said observation of the High Court though made by a Division Bench, the judgment has no binding effect on this Court.

Mr. Datta submitted that, the Courts should not place reliance on decisions without discussing that as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. Observations of Courts are not to be read as EUCLID's Theorems nor as provisions of the statute. Observations must be read in the context in which they appear. Judgments of Courts are not to be construed as statutes. In support Mr. Datta relied upon a judgment of the Hon'ble Supreme Court ***In the matter of: Haryana Financial Corporation and Another vs. Jagdamba Oil Mills and Another, reported at (2002) 3 SCC 496.***

18. To distinguish the judgment ***In the matter of: Dr. Pradip Jain (supra)*** Mr. Datta submitted that, the said judgment was rendered on an issue concerning the medical admission process all over the country, where provisions were made for allotment of quota following the constitutional mandates and the statutory rule. In the instant case there is not such creation of quota attempted to be made by way of imposing the said restriction by the State. Hence, the ratio decided in the said judgment had no application in the fact situation of this case.
19. The Learned Additional Government Pleader further submitted that, the restriction imposed in the notice dated October 26, 2022 **Annexure P-5** to the writ petition was not arbitrary, unreasonable or unconstitutional. He submitted that, it was a policy decision of the State. Since the entire admission procedure and conduct of the Nursing Course is within the exclusive domain and territory of the State, the State was authorized to adopt its own policy. The Writ Court in exercising its power under judicial review should not interfere with a policy decision of a State, unless the same is tainted with malice or its arbitrary exercise of discretion. Such was not the case made out by the petitioner in its writ petition at all. The said policy decision was neither arbitrary nor unreasonable. In support, Mr. Datta relied upon a judgment of the

Hon'ble Supreme Court ***In the matter of: Dr. Rohit Kumar vs. Secretary Office of Lieutenant Governor, reported at (2021) 8 SCC 381.***

20. Mr. Datta, therefore, submitted that, this writ petition is, at the outset, not maintainable as the petitioner does not have any **locus** to maintain the same and without prejudice thereto he further submitted that, the writ petition is otherwise also devoid of any merit.
21. Mr. Nilotpall Chatterjee learned counsel for the respondent no. 6 at the outset adopted the submissions made by the Learned Additional Government Pleader including the point that the present writ petitioner did not have any **locus** to maintain this writ petition and then made few additional submissions.
22. Mr. Nilotpall Chatterjee appearing for the respondent no. 6, the Indian Nursing Council referred few provisions from the Indian Nursing Council Regulations 2020, and also referred few provisions from the Information Bulletin published by the West Bengal Joint Entrance Examination Board which was already handed up and relied upon on behalf of the petitioner and submitted that, the Entrance Examination was solely the domain of the State where the reservation policies of the West Bengal University of Health Science and Department of Health and Family Welfare, Government of West Bengal would be valid for admission in reserved seats for the SC/ST/OBC/PWD/EWS. Such reservation was to be restricted to candidates who were Indian citizen and domiciled in West Bengal. One of the essential requirement for admission in the said course was that the candidate must be domiciled in West Bengal for admission in any category of seat in any institute. Mr. Nilotpall Chatterjee then submitted that, the contention of the writ petitioner is wholly unfounded that the admission for Nursing Course under the relevant examination process should be permitted for a citizen of

India irrespective of any State, where he is domiciled. He submitted that, the writ petition is devoid of any merit and should be dismissed.

23. Mr. Sabyasachi Chatterjee learned counsel for the writ petition in reply specifically relied upon the averments made in paragraphs 20, 21 from the writ petition and prayer (b) thereto and submitted that sufficient averments were there in the writ petition on the basis whereof the petitioner could maintain the said writ petition and claim for quashing of the said unreasonable restriction. Relying upon the various provisions from the said information bulleting which was handed over and relied upon by him read with the various provisions from the Indian Nursing Council Regulation, he submitted that, the provisions clearly speak for “ a Citizen of India” such an expression being an independent expression should be construed with its independent meaning in relation to any citizen student irrespective of any State. He submitted that, the restriction as mentioned in the said impugned notice dated October 26, 2022 being unreasonable, arbitrary and unconstitutional to the extent that **no candidate from outside States will be allowed to undergo the training in this State** should be set aside.

Decision:-

24. Since the admission process for the relevant Nursing Course would expire on December 30, 2022, the parties submitted that there was an extreme urgency involved in the matter. This Court thought it fit to proceed on the basis of the existing record.
25. Since the **locus standi** of the petitioner had been challenged vehemently by the opposing parties, this court thought it fit to decide the same at the outset, as the same goes at the root of the maintainability of the writ petition.
26. The averments on which much reliance was placed by the writ petitioner in support of its locus and right are quoted below:-

“20. Your petitioner states that when your petitioner he has gone through the guideline framed by the INC your petitioner did not find that any state can put this restriction to any eligible students to pursue the courses in any states throughout the territory of the country but the concerned government authority without any rymes and reasons has put this clause to its notification vide its memo no. HNG/3M-37-2020/1382 dated 26th October, 2022 which is it self Ultra vires to the constitution of India.

21. Your petitioner state that there is immense urgency in the matter. In the event the petitioner is not allotted students or allowed to admit students through Schedule decentralized counseling by the notification vide its memo no. HNG/3M-37-2020/1382 dated 26th October, 2022 save and except the restriction which has been imposed by the respondent authority, then the opportunity of availing the course study by 60 eligible students in GNM and B.SC courses will be denied and the infrastructure for imparting the educative course in Nursing will be unutilized, thus jeopardizing the interest of both the petitioner institute as well as the students”.

27. From the description of the parties and from the averments made in the writ petition it was abundantly clear that, the writ petitioner who runs the said Nursing Institute has its office within this State only and the said Nursing Institute was formed and still is carrying on its activity at and from the State only. The impugned restriction under the said Notice dated October 26, 2022, **Annexure P-5** to the writ petition, did not create any prohibition or embargo for the petitioners to carryout its business or the said Nursing Institute to carryout its activity in any manner. The impugned restriction only prohibited the aspirant candidates to undergo the nursing training for the B.Sc nursing course who would be from outside States. **None of such aspirant individual candidate had come before this Court through the instant writ petition** and it was the petitioner who had espoused and proceeded with the alleged cause of such aspirant students not the residents of the State. From the averments made in the writ petition it was also a fact that, the writ petition did not acquire the character of a Public Interest Litigation. From the relevant rules and regulations framed by the INC and from the provisions made in the said information bulletin published for the relevant Under Graduate Examinations, 2022, it would further be evident that the subject course and its admission procedure was totally governed by and was restricted

within the domain of the **State and State only**. The Central Government had nothing to do about it. To fix its own procedure in respect of the affairs of the said nursing course which was in the exclusive domain of the State, the State was the master of its own policy to conduct the same. The averments made in the writ petition would also not show that such policy decision of the State imposing the said restriction was tainted with any malice or in exercise of its arbitrary discretion. Such case was also not made out in the writ petition. Therefore, from a plain and meaningful reading of the writ petition it would be evident that no right of whatsoever nature be it legal, be it constitutional of the petitioner was prejudiced or jeopardized or infringed.

28. There was no doubt regarding the legal proposition that the rights under Article 226 of the Constitution of India could be invoked only by an aggrieved person except in the case where the writ prayed was for habeas corpus or quo warranto. Another exception in the general rule was the filing of a writ petition in a Public Interest. The existence of the legal right of the petitioner alleged to have been violated was the foundation for invoking jurisdiction of the High Court in its high prerogative writ jurisdiction under Article 226 of the Constitution of India.
29. The expression '**aggrieved person**' denoted an elastic, and to an extent, an elusive concept. It could not be confined within the bounds of a rigid, exact and comprehensive definition. At best, its features could be described in a broad tentative manner. Its scope and meaning dependant on diverse, variable factors such as the content and intent of the statute of which contravention was alleged, the specific circumstances of the case, the nature and extent of the petitioner's interest, and the nature of the prejudice or injury suffered by it.
30. Only a person who suffered from legal injury can challenge the act/action/order etc. in a court of law. A writ petition under Article 226 of the Constitution of India could be

maintainable either for the purpose of enforcing a statutory or legal right, or where there was a complaint by the petitioner that there was a breach of statutory duty on the part of the Article 12 authorities. Therefore, there must be judicially enforceable right available for enforcement, on the basis of such writ jurisdiction was resorted to. The court could, of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfied the court that he had a legal right to insist on such performance. The existence of such right was a condition precedent for invoking the writ jurisdiction of the courts. By imposition of the said restriction as would be evident from **Annexure P-5** to the writ petition, it would not be demonstrated that none of such legal rights of the petitioner were breached neither, in fact, any restriction was imposed on the petitioner, even if, the right of the petitioner was considered in the light of the Articles 14, 19(1)(g) or 300A of the Constitution of India, since the petitioner was free to carryout its activity or admission without any impediment. It was implicit in exercise of such extra ordinary jurisdiction that the relief prayed for must be one to enforce a legal right. In fact, the existence of such right was the foundation of the exercise of the said jurisdiction by the Writ Court.

31. ***In the matter of: D. Nagaraj (supra)***, the Hon'ble Supreme Court had observed as under:-

“7.The sole question that requires to be determined in these appeals is whether the appellants could maintain that aforesaid writ petitions. It is well settled that though Article 226 of the Constitution in terms does not describe the classes of persons entitled to apply thereunder, the existence of the right is implicit for the exercise of the extraordinary jurisdiction by the High Court under the said Article. It is also well established that a person who is not aggrieved by the discrimination complained of cannot maintain a writ petition. The constitutional validity of the Abolition Act abolishing all hereditary village offices including the office of the Shambogue or Village Accountant having been upheld by this Court in B.R. Shankanarayana & Ors. v. State of Mysore (AIR 1966 SC 1571) (supra) and the first preference in the matter of appointment of Village Accountants having been given by Rule 4 of the 1970 Rules to all persons. belonging to the category and class of the appellants who had served as Village Officers, the

appellants who did not apply for appointment as Village Accountants in response to the afore- said notification issued by the Recruitment Committee and did not possess the prescribed qualification, could not complain of the unconstitutionality of the 1970 Rules or of the infringement of, Articles 4 and 16 of the Constitution which merely forbid improper or invidious distinctions by conferring rights or privileges upon a class of persons arbitrarily selected from out of a larger group who. are similarly circumstanced but do not exclude the laying down of selective tests nor prevent the Government from laying general educational qualifications for the post in question. The High Court was, therefore, right in holding that the appellants have no right to maintain the aforesaid writ petitions. The appeals accordingly fail and are dismissed but without any order as to costs”.

32. In nutshell and in view of the above, it was no idle whataboutery to point out that a petitioner who raised a grievance must show how he had suffered legal injury. A person who suffered from legal injury could only challenge the act or omission.
33. In the instant writ petition, this Court did not require much prescience to realize that neither pleadings not prayers specifically and categorically showed infraction of any legal right of the petitioner or of its enforcement thereto. The petition was tellingly silent and on the material aspect. There was abysmal failure on the part of the petitioner to demonstrate existence of legal grievance which needed to be appreciated and allayed by invoking the jurisdiction of a Writ Court under Article 226 of the Constitution of India.
34. Thus, from the above, it was evident that the petitioner had no legal peg for a justifiable claim to hang on. Therefore, the petitioner was not a **“person aggrieved”** and **had no locus standi** to challenge the said restriction imposed by the State in the said notice dated October 26, 2022 **Annexure P-5** to the writ petition.
35. The enduring conclusion from the record is, first, that the petitioner ***lacked cause of action*** and, second, the petitioner ***had no locus standi***. In view of this conclusion, this court is of the considered view that, it is not necessary to consider the other objections raised on behalf of the respondents against the validity of the said

restriction on the ground that they contravene Article 14, 19(1)(g) or 300A of the Constitution of India, as contended on behalf of the writ petitioners.

36. For the foregoing discussions and reasons, the result is that this writ petition **WPA 25264 of 2022** fails and stands dismissed, without any order as to costs.

(Aniruddha Roy, J.)