

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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ORDINARY ORIGINAL CIVIL JURISDICTION**WRIT PETITION NO. 671 OF 2021****Dr.Vipan Kumar Chand****..... Petitioner****VERSUS****The Union of India & Ors.****..... Respondents**

Mr.Rajeshwar Panchal, a/w. Mr.K.S.Jadhav for the Petitioner.

Mr.Neel Helekar, a/w. Mr.A.A.Garge for the Respondent no.1.

Mr.Rui Rodrigues for the Respondent no.2.

Mr.Mihir Desai, Senior Advocate, a/w. Ms.Devyani Kulkarni for the Respondent nos. 3 to 5.

Mr.Owais Pechkar for the Respondent nos. 7, 8 and 9.

**CORAM : A.S.CHANDURKAR &
G.A.SANAP, JJ.****DATE : 19TH APRIL, 2022.****P.C:-**

Heard. The challenge raised in this writ petition is to Ordinance No.12 issued by the 3rd respondent – Indian Maritime University as well as the advertisement dated 27th July, 2018 issued by that University seeking to recruit Associate Professors in the subject of Nautical Science. A challenge is also raised to the selection of the

respondent nos. 7 to 9 on the ground that they do not possess the minimum requisite qualification as per the UGC Regulations of 2018.

2. A preliminary objection raised on behalf of the respondent nos. 3 to 5 that this Court lacks territorial jurisdiction to entertain the writ petition for the reason that the impugned advertisement has been issued by the Indian Maritime University which has its headquarters at Chennai. The interviews pursuant to that advertisement were held at Chennai and appointment orders of the eligible candidates were also issued from Chennai. The non-selection of the petitioner is also at Chennai and merely because the respondent nos. 7 to 9 have been posted at the Navi Mumbai Campus, this Court would not have any territorial jurisdiction to entertain the writ petition as no part of the cause of action arises here. The learned Senior Advocate for the respondent nos. 3 to 5 has relied upon the decision in **(1994) 4 SCC 711 (Oil and Natural Gas Commission vs. Utpal Kumar Basu & Ors.)** in that regard.

In response the learned counsel for the petitioner submits that respondent nos. 7 to 9 are serving at Navi Mumbai and the petitioner has challenged their selection.

3. On hearing the learned counsel for the parties on this question, we are satisfied that no part of cause of action arises within the territorial jurisdiction of this Court. The averments in paragraph (29) of the writ petition with regard to jurisdiction read as under :-

29. The Petitioner states that the Hon'ble Court has jurisdiction to entertain the petition as the petitioner is from Mumbai and the selection process is in respect of the posts of Associate Professors and Professors in Nautical Science to fill vacant posts in IMU campus TS Chanakya, at Nerul, Navi Mumbai and IMU Port Campus Mumbai.

4. The impugned Ordinance as well as the advertisement under challenge were issued from the headquarters of the University at Chennai. The interviews as well as the entire selection process was conducted at Chennai. The petitioner being aggrieved by the selection of the respondent nos. 7 to 9 and his non-selection are matters that have occurred at Chennai. The principal challenge is to Ordinance No.12 and the advertisement dated 27th July, 2018. The challenge to the

selection of the respondent nos. 7 to 9 is dependent on the main challenge. Merely because the respondent nos. 7 to 9 after their selection have been posted at the Navi Mumbai Campus, the same would not clothe this Court with the jurisdiction as urged. Even otherwise, on application of the doctrine of forum conveniens the Chennai High Court would have appropriate jurisdiction.

5. Hence, for the aforesaid reasons we are not entertaining the writ petition for want of territorial jurisdiction. The petitioner is free to invoke the jurisdiction of the appropriate Court for redressal for his grievances. The points raised on merits are kept open. The Writ petition is disposed of with no order as to costs.

[G.A.SANAP, J.]

[A.S.CHANDURKAR, J.]