



2024:DHC:2049



\$~70

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 12.03.2024

+ W.P.(C) 3673/2024

NAMAN SHARMA

..... Petitioner

versus

UNION OF INDIA & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Himanshu Gautam, Advocate

For the Respondent : None

CORAM:**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]**

1. The petitioner has filed the present petition on the basis that *vide* the impugned notification order dated 13.02.2023, the Oil and Natural Gas Corporation Limited at Kolkata had stated that two vacancies for the post of Security Supervisor has not been filled by ONGC and those posts have been decided to be outsourced in Bokaro, Jharkhand and as such, the recruitment for the said posts as advertised, are no longer required.

2. The petitioner is aggrieved by the impugned order on the ground that though the petitioner had appeared in the examination conducted by



2024:DHC:2049



the respondent in the year 2017, particularly on 02.04.2017 and on 23.07.2017. Yet, results were hence declared by the respondents and arbitrarily the said posts have now been diverted to outsourcing agencies.

3. It is the case of the petitioner that despite the examination having been held, the respondents did not release the list of selected candidates for the post of Security Supervisor since then. Aggrieved by the delay, one of the candidates by a RTI query dated 15.04.2023 sought the status of recruitment process in respect of the Security Supervisor. The said query was responded to by the respondent *vide* the letter dated 01.06.2023 wherein it was informed that the selection for the post of Security Supervisor has not been made due to administrative reasons. However, it is the case of the petitioner that apart from the cryptic response, no proper justification or reason was tendered by the respondents as to on what ground the respondents have not made the selections to the post of Security Supervisor.

4. The petitioner was thereafter constrained to file the writ petition bearing number W.P.(C)227/2024 before this Court. This Court *vide* the order dated 30.01.2024 on considering the instructions received by the learned counsel for the respondents had noted that the respondent no.2 had decided to outsource the said post of Security Supervisor and not proceed with the recruitment process. The petition was disposed of on the statement of the learned counsel that the respondent no.2 would inform the petitioner about the decision taken by it in regard to the post of Security Supervisor. The said rejection was communicated to the petitioner *vide* the letter dated 13.02.2024, which is the subject matter of



the present writ petition.

5. The petitioner in the present writ petition, has sought the following reliefs:-

“a) Issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned order dated 13.02.2024 by which recruitment to the post of security supervisor issued in pursuance to Recruitment Notification MBA/HR& P/RECTT/CBMA/A/2017 was cancelled.

b) Issue a writ, order or direction in the nature of Mandamus directing the Respondent to finalize the select list on the post of Security Supervisor notified in pursuance to Notification MBA/HR-R&P/RECTT/CBMA/A/2017 and consequently issue appointment letter to Petitioners.

c) Issue a writ, order or direction in the nature of Mandamus directing the Respondent to permit Petitioners to participate in further Recruitment Process

6. At the outset, this Court has considered the entire factually conspectus of the matter.

7. It is not disputed by learned counsel appearing for the petitioner that the advertisement at Annexure-P-1 was issued by the ONGC at its office in Kolkata for the post of security supervisor at its office in Bokaro, State of Jharkhand. It is also not disputed by learned counsel appearing for the petitioner that the said tests were participated in, by the petitioner at Ranchi, Jharkhand. It is also not disputed that the petitioner himself is an ordinary resident of Bijnor, U.P. and presently posted at Porbandar, Gujarat.

8. The documents placed on record including the results which were declared which is at page 35 also shows that the same was issued by the



ONGC, Kolkata.

9. Apart from the fact that the documents placed on record including the Admit Card indicate that the petitioner is an ordinary resident of Bijnor, U.P.

10. Upon a query by this Court, learned counsel appearing for the petitioner submits that the petition has been filed before this Court on the basis that the Headquarter of the respondent-ONGC is located within the territorial limits of this Court's jurisdiction. Other than that, admittedly, there is no cause of action which has arisen here at all. Learned counsel submits that this Court had entertained the previous writ petition bearing W.P.(C)227/2024 and had passed the order on 30.01.2024. He also relies upon the judgment of Supreme Court in Court *in Abrar Ali Vs. CISF and Others* bearing Civil Appeal No.6020/2012, whereby the Supreme Court had directed that the jurisdiction of this Court under Article 226(1) of the Constitution of India would be in respect of the headquarters of CISF, which is located within the territorial limits of this Court. He submits that on that basis the present petition should be entertained.

11. There is no doubt this Court had passed the previous directions, however, the occasion to go into the territorial jurisdiction or the facts obtained in the matter did not arise inasmuch as on the first date of hearing i.e. 30.01.2024 itself on advance notice, learned counsel for the respondent had made the statement that the respondent no.2 had decided to outsource the said post of security supervisor leading to the consequential directions. However, on a closer look at the entire facts which arise in the present petition, it is clear that no cause of action at all



has arisen before this Court barring the fact that the Headquarter of respondent-ONGC is located in New Delhi.

12. It is trite that under Article 226(2) of the Constitution of India, the High Court wherein the part of cause of action arise, may also entertain and adjudicate the said grievances. However, the judgment of the learned Full Bench of this Court in ***Sterling Agro Industries Ltd. And Ors. Vs. UOI and Ors.*** reported in AIR 2011 Delhi 174 and the judgment of the learned Division Bench of this Court in ***Riddhima Singh thorough her father Shailendra Kumar Singh Vs. CBSE Through Its Chairman & Ors.*** in LPA No.729/2023 coupled with the judgments of Supreme Court in ***Kusum Ingots & Alloys Ltd. Vs. UOI*** reported in (2004) 6 SCC 254 also laid down the law that wherever a small part of cause of action may have arisen, the Court would still have the authority or the jurisdiction to consider the doctrine of forum non-conveniens.

13. That apart, it is clear and without a doubt that no cause of action, even in part, has arisen within the territorial jurisdiction of Delhi. Under Article 226 of the Constitution of India, no High Court can abrogate to itself a jurisdiction not vested in it, even by law or by the facts of the particular case. In the present petition, it is absolutely clear that the entertainment of the present writ petition on facts would entail the violation of the orders of the Supreme Court as also the learned Full Bench and learned Division Bench of this Court. The judgment of the Supreme Court in ***Abrar Ali's case*** also would not be applicable inasmuch as in the present case no cause of action has at all arisen before this Court. Moreover, the facts as obtaining before the Supreme



2024:DHC:2049



Court in **Abrar Ali's case** is not placed before this Court for consideration and as such, this Court is unable to appreciate the said submission.

14. In view of the above and looking into the facts of the case, this Court is of the considered opinion that the writ petition cannot be maintained in this Court on account of lack of territorial jurisdiction and as such, the petition is dismissed.

15. The petitioner is at liberty to approach the appropriate jurisdictional High Court for the reliefs sought, in accordance with law.

TUSHAR RAO GEDELA, J.

MARCH 12, 2024/ms