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

+ **W.P.(C) 6490/2024**

NAVENDU AGGARWAL

.....Petitioner

Through: Ms. Sangeeta Chandra, Adv. with
petitioner in person.

versus

GOVERNMENT OF INDIA & ORS.

.....Respondents

Through: Mr. Neeraj, SPC with Mr. Vedansh
Anand, G.P. along with Mr.
Soumyadip Chakraborty and Mr.
Sachin Saraswat, Advs. for R-1.
Mr. C. Mohan Rao, Sr. Adv. with Mr.
Lokesh Kumar Sharma, Advs. for R-
4.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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30.09.2024

1. The petitioner in the instant petition is seeking directions to the respondents to quash the petitioner's incorrect result of the 5th semester examinations, produce the computer typed printouts attached to the regular answer sheet of the petitioner and declare the correct result pertaining to the said examinations.

2. Admittedly, the petitioner's admission is in the Mewar Law Institute, affiliated to Chaudhary Charan Singh University, Meerut which is situated in Ghaziabad, Uttar Pradesh. The entire grievance raised in the instant writ petition, relates to respondent Nos.3 and 5.



3. Learned counsel appearing for the petitioner submits that since the University Grants Commission situates within the territorial jurisdiction of this Court, therefore, the Court has the jurisdiction to entertain the instant writ petition.

4. The aforesaid submission cannot be accepted in view of the legal position as has been established by various decisions of this Court. In W.P.(C) 15556/ 2023 titled as ***Bharat Nidhi Ltd v. Securities exchange board of India & Anr***, the Court applied the doctrine of *forum conveniens* and held that even if a fraction of cause of action has arisen within the jurisdiction of a particular High Court, still while applying the aforesaid doctrine, the party can be relegated to the concerned jurisdictional High Court where the material, essential and integral part of the cause of action had arisen. The same has also been upheld in LPA No. 47/2024 titled as ***Ashok Market Ltd & Anr v. Securities Exchange Board of India & Ors.*** Paragraph 21 of the Division Bench's judgement dated 15.01.2024 reads as under:-

"21. The High Court while exercising its jurisdiction under Article 226 of the Constitution of India to entertain a writ petition, in addition to examining its territorial jurisdiction also examines if the said Court is the forum conveniens to the parties. The issue of forum conveniens is seen not only from the perspective of the writ petitioner but it is to be seen from the convenience of all the parties before the Court. In the facts of this case, as is evident from the record that the forum conveniens for the both the parties is Mumbai. The Appellants since the year 2020 have been appearing in Mumbai before SEBI in the SCN proceedings. In W.P.(C) 15556/2023 (as well as the other writs) the writ petitioner has sought a direction for summoning the records of SEBI for examining the legality and validity of the Impugned Revocation Order. In these facts, therefore, the objection of SEBI that Mumbai is the forum conveniens for the parties has merit. The obligation of the Court to examine the convenience of all the parties has been expressly noted by the Full Bench of this Court in Sterling Agro Industries Ltd. (supra)."

5. The Court also takes note of the decision in W.P. (C) 12041/2024



titled as *Smt Manjira Devi Ayurveda Medical College and Hospital v. Uttarakhand University of Ayurveda & Ors*, wherein, the petitioner-Hospital invoked the jurisdiction of this court on the ground that since the Head Office of the respondent No.2 therein, was situated within the territorial jurisdiction of this Court, the writ would be maintainable. While rejecting the aforesaid submission, the Court has held that merely the situs of the said authority in Delhi would not be the determinative factor in conferring the jurisdiction upon this Court.

6. The aforesaid decision was challenged before the Division Bench in LPA no.894/2024 and *vide* order dated 05.09.2024, the Division Bench has affirmed the position. In paragraph No.14, the Court has held as under:

14. Keeping in view the fact that the cause of action has arisen within the territorial jurisdiction of the Courts of Uttarakhand and the convenient forum to hear and decide the present writ petition would be the Uttarakhand High Court, this Court finds no merit in the instant appeal and the same is dismissed without any order as to cost. This Court, however, reiterates the liberty granted by the learned Single Judge to the appellant to approach the appropriate Court of competent jurisdiction for redressal of its grievance in accordance with law.

7. In view of the legal position established by various decisions, as explicated above, the Court, declines to entertain the instant writ petition. The petitioner, however, shall be at liberty to approach the jurisdictional High Court.

8. All rights and contentions of the parties are left open.

9. The petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 30, 2024/P