



2024:DHC:6404



\$~57 (connected matters 57 to 60, 63, 64, 66 to 68 & 70 to 74 & 86 & 4 to 7)

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

%

Date of Decision: 23.08.2024

+ **W.P.(C) 11620/2024**

DR SUPREETI CHAHAL

.....Petitioner

Through: Mr. Nilava Bandyopadhyay,
Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ashok Kr. Kashyap, SPC
with Mr. Kabir Kr. Hazarika,
GP for R-1
Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar
and Ms. Ramanpreet Kaur,
Advocates for R-2/DCI

(58)

+ **W.P.(C) 11622/2024**

DR PRITI

....Petitioner

Through: Mr. Nilava Bandyopadhyay,
Adv.

versus



2024:DHC:6404



UNION OF INDIA & ORS.

.....Respondents

Through: Mr. T. Singhdev, Mr. Bhanu Gulati, Mr. Aabhaas Sukhramani, Mr. Abhijit Chakravarty, Mr. Tanishq Srivastava, Ms. Anum Hussain, Mr. Sourabh Kumar and Ms. Ramanpreet Kaur, Advocates for R-2/DCI

(59)

+

W.P.(C) 11623/2024

PAWAN KUMAR

.....Petitioner

Through: Mr. Manoj Kumar Garg and Mr. Pulkit Atal, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Nidhi Raman CGSC with Mr. Zubin Singh Advocates

for

R-1/UOI

Mr. T. Singhdev, Mr. Bhanu Gulati, Mr. Abhijit Chakravarty, Mr. Aabhaas Sukhramani, Mr. Tanishq Srivastava, Ms. Anun Hussain and Mr. Sourabh Kumar, Advocates for R-3

(60)

+

W.P.(C) 11624/2024

DR HEENA KAPOOR

.....Petitioner

Through: Mr. Nilava Bandyopadhyay, Adv.



2024:DHC:6404



versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Piyush Gupta CGSC with
Mr. Prateek Gupta, Mr. Satjeet
Gill, Mrs. Kamya Chawla, Mr.
Pramod Kumar, Mr. Sujeet
Kumar Advocates and
Mr. Karan Shankar Mani,
Government Pleader for
UOI/R-1
Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar
and Ms. Ramanpreet Kaur,
Advocates for R-2/DCI

(63)

+ **W.P.(C) 11630/2024**

DR. NARENDER SINGH

.....Petitioner

Through: Mr. Anurag Abhishek, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Karan Shankar Mani,
Government Pleader for UOI/
R-1
Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar



2024:DHC:6404



and Ms. Ramanpreet Kaur,
Advocates for R-2/DCI

(64)

+ **W.P.(C) 11631/2024**

DR AMIT ARORA

.....Petitioner

Through: Mr. Nilava Bandyopadhyay,
Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Jivesh Kumar Tiwari,
Senior Panel counsel with Ms.
Samiksha (GP) for R-1/UOI.

(66)

+ **W.P.(C) 11635/2024**

DR HARSHITA

.....Petitioner

Through: Mr. Nilava Bandyopadhyay,
Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Shubhra Parashar and Mr.
Virender Pratap Singh Charak
Advocates for R-1/UOI
Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar
and Ms. Ramanpreet Kaur,
Advocates for R-2/DCI



2024:DHC:6404



(67)

+

W.P.(C) 11637/2024

DR ARINDAM MALAKAR

.....Petitioner

Through: Mr. Nilava Bandyopadhyay,
Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr Jivesh Tiwari SPC and Ms
Samiksha Mittal GP for UOI/
R-1
Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar
and Ms. Ramanpreet Kaur,
Advocates for R-2/DCI

(68)

+

W.P.(C) 11639/2024

DR RIDDHIMA CHAUHAN

.....Petitioner

Through: Mr.Anurag Abhishek, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar
and Ms. Ramanpreet Kaur,
Advocates for R-2/DCI.



2024:DHC:6404



(70)

+ **W.P.(C) 11641/2024**

DR PREETI CHAHAL

.....Petitioner

Through: Mr. Nilava Bandyopadhyay,
Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ashok Kr. Kashyap, SPC
with Mr. Kabir Kr. Hazarika,
GP for R-1
Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar
and Ms. Ramanpreet Kaur,
Advocates for R-2/DCI

(71)

+ **W.P.(C) 11643/2024**

DR. DEEPIKA MALIK

.....Petitioner

Through: Mr. Nilava Bandyopadhyay,
Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Shouryendu Ray, Senior
Panel Counsel for UOI/R-1
Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit



2024:DHC:6404



Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar
and Ms. Ramanpreet Kaur,
Advocates for R-2/DCI

(72)

+

W.P.(C) 11644/2024

DR. MONIKA AHLAWAT

.....Petitioner

Through: Mr. Nilava Bandyopadhyay,
Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Rakesh Kumar Dudeja
with Mr. Deepak Chopra,
Advocates for UOI/R-1
Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar
and Ms. Ramanpreet Kaur,
Advocates for R-2/DCI

(73)

+

W.P.(C) 11650/2024

DR NEHA SUNEJA

.....Petitioner

Through: Mr. Nilava Bandyopadhyay,
Adv.

versus

UNION OF INDIA AND OTHERS

.....Respondents

Through: Mr. Umang Chopra and Ms.



2024:DHC:6404



Neha Rastogi, SPC with Ms.
Tanisha verma, Mr. Karan
Malhotra (GP) and Mr.Manish
Kumar, Adv for UOI/R-1
Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar
and Ms. Ramanpreet Kaur,
Advocates for R-2/DCI

(74)

+ **W.P.(C) 11670/2024**

DR. KUNAL AMRIT

.....Petitioner

Through: Mr. Nilava Bandyopadhyay,
Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms Neha Rastogi, SPC and
Ms. Tanisha verma (GP) and
Mr.Manish Kumar, Adv for
UOI/ R-1
Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar
and Ms. Ramanpreet Kaur,
Advocates for R-2/DCI

(86)

+ **W.P.(C) 11709/2024**

DR GARIMA MANDERNA

.....Petitioner



2024:DHC:6404



Through: Mr. Nilava Bandyopadhyay,
Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Archana Sharma and Mr.
Lovekesh Aggarwal, Advocate
for R-1/UOI
Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar
and Ms. Ramanpreet Kaur,
Advocates for R-2/DCI

(4)

+ **W.P.(C) 11108/2024**

DR VIKAS VASHISTH

.....Petitioner

Through: Mr. Nilava Bandyopadhyay,
Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Piyush Gupta CGSC with
Mr. Prateek Gupta Mr. Satjeet
Gill Ms. Kamya Chawla, Mr.
Pramod Kumar, Mr. Sujeet
Kumar, Advocates and Mr.
Arun Dhiman, GP for R-1/
UOI
Mr. T. Singhdev, Mr. Bhanu



2024:DHC:6404



Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar,
Ms. Ramanpreet Kaur,
Advocates for R-3/DCI

(5)

+ **W.P.(C) 11112/2024**

DR RIDDHI SIDHMUKHPetitioner

Through: Mr. Nilava Bandyopadhyay,
Adv.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Rahul sharma (Sr panel
Counsel) with Mr. Jitendra
Kumar Tripathi (GP) for UOI
Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar,
Ms. Ramanpreet Kaur,
Advocates for R-3/DCI

(6)

+ **W.P.(C) 11123/2024**

DR RAHUL DESWALPetitioner

Through: Mr. Nilava Bandyopadhyay,
Adv.



2024:DHC:6404



versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Nidhi Raman CGSC with
Mr. Zubin Singh, Advocate,
Mr. Prashant Rawat, Govt.
Pleader and Mr. Kabir Singh,
Advocate for R-1/UOI
Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas
Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar,
Ms. Ramanpreet Kaur,
Advocates for R-3/DCI

(7)

+ **W.P.(C) 11163/2024**

DR DEEPAK SINGH

.....Petitioner

Through: Mr. Nilava Bandyopadhyay,
Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Nidhi Raman CGSC with
Zubin Singh, Advocate, Mr.
Chetan Jadon, GP and Ms.
Shivangi Rajawat, Advocate
For R-1/UOI
Mr. T. Singhdev, Mr. Bhanu
Gulati, Mr. Aabhaas



2024:DHC:6404



Sukhramani, Mr. Abhijit
Chakravarty, Mr. Tanishq
Srivastava, Ms. Anum
Hussain, Mr. Sourabh Kumar,
Ms. Ramanpreet Kaur,
Advocates for R-3/DCI

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J. (ORAL)

CM APPL. 48337/2024 (exemption) in W.P.(C) 11620/2024
CM APPL. 48340/2024 (exemption) in W.P.(C) 11622/2024
CM APPL. 48341/2024 (exemption) in W.P.(C) 11623/2024
CM APPL. 48351/2024 (exemption) in W.P.(C) 11624/2024
CM APPL. 48360/2024 (exemption) in W.P.(C) 11630/2024
CM APPL. 48361/2024 (exemption) in W.P.(C) 11631/2024
CM APPL. 48368/2024 (exemption) in W.P.(C) 11635/2024
CM APPL. 48371/2024 (exemption) in W.P.(C) 11637/2024
CM APPL. 48373/2024 (exemption) in W.P.(C) 11639/2024
CM APPL. 48375/2024 (exemption) in W.P.(C) 11641/2024
CM APPL. 48377/2024 (exemption) in W.P.(C) 11643/2024
CM APPL. 48384/2024 (exemption) in W.P.(C) 11644/2024
CM APPL. 48392/2024 (exemption) in W.P.(C) 11650/2024
CM APPL. 48477/2024 (exemption) in W.P.(C) 11670/2024
CM APPL. 48677/2024 (exemption) in W.P.(C) 11709/2024
CM APPL. 45896/2024 (exemption) in W.P.(C) 11108/2024
CM APPL. 45969/2024 (exemption) in W.P.(C) 11112/2024
CM APPL. 45996/2024 (exemption) in W.P.(C) 11123/2024
CM APPL. 46172/2024 (exemption) in W.P.(C) 11163/2024

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 11620/2024, W.P.(C) 11622/2024, W.P.(C) 11623/2024,
W.P.(C) 11624/2024, W.P.(C) 11630/2024, W.P.(C) 11631/2024,



2024:DHC:6404



W.P.(C) 11635/2024, W.P.(C) 11637/2024, W.P.(C) 11639/2024, W.P.(C) 11641/2024, W.P.(C) 11643/2024, W.P.(C) 11644/2024, W.P.(C) 11650/2024, W.P.(C) 11670/2024, W.P.(C) 11709/2024, W.P.(C) 11108/2024, W.P.(C) 11112/2024, W.P.(C) 11123/2024 and W.P.(C) 11163/2024

3. By way of this common judgment, the above-captioned writ petitions shall be disposed of, since a common issue arises for adjudication in all these petitions on the basis of identical facts and contentions.

4. These writ petitions, filed under Article 226 read with Section 227 of the Constitution of India, on behalf of the petitioners seek the following identical prayers:

- “i. Issue a Writ of Mandamus directing Respondent No. 3 to grant due recognition to the MDS degree of Petitioner issued by the Respondent No. 4; and
- ii. Issue appropriate order(s) directing the Respondents to pay adequate compensation to the Petitioner for the financial losses suffered beginning from June’ 2023 till the date of issuance of duly recognised MDS degree by Respondent no. 3 for the loss of employment to the Petitioner; and
- iii. Issue any other appropriate writ, order or direction, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

5. Brief facts of the case, discernible from one of the petitions i.e. *W.P.(C) 11620/2024*, are that the petitioner, holding a recognized Bachelor’s degree in Dental Surgery from Dr. Bhimrao Ambedkar University, Agra, and registered with the Haryana State Dental Council, had appeared for the National Eligibility-Cum-Entrance Test for Masters of Dental Surgery, 2020 [*NEET-MDS 2020*]. Scoring 320 marks, the petitioner had surpassed the 50 percentile



2024:DHC:6404



cutoff for the General Category, allowing her to participate in the counselling process for the academic year 2020-2021. During counselling, she was allotted a seat in the MDS course in respondent no. 4 college i.e. PDM Dental College & Research Institute, PDM University, Haryana. Before accepting admission, the petitioner states that she had verified the authenticity and recognition status of the MDS course and had found the College listed as recognized for the 2020-2021 academic year on the official websites of Respondent Nos. 2 and 3 i.e. State of Haryana and Dental Council of India, respectively. After verification, the petitioner had enrolled in the MDS Batch 2020-2023 at respondent no. 4 College, after completing all requisite documentation and making fee payments. Thereafter, she had appeared in the final MDS examination in September, 2023. Following the exams, the petitioner and 23 other students had started encountering delays in the scheduling of their practical exams by the College. Concerned with the same, they had raised their grievance with the respondent no. 3 i.e. Dental Council of India. In response, respondent no. 3 had issued a show-cause notice to respondent no. 4 on 26.02.2024, requesting a response and relevant documents. Respondent no. 4 had assured that practical exams would be conducted within ten days, but the same were ultimately delayed till June, 2024. After the exams, respondent no. 4 had issued a provisional certificate to the petitioner, indicating that she had passed the final MDS examination in Oral & Maxillofacial Pathology & Oral Microbiology. However, when the petitioner had sought recognition of her MDS degree under Section 40 of the Dentist Act,



2024:DHC:6404



1948, the respondent no. 3 had informed her that the degree would not be recognized, as her Batch was not recognized by them. Aggrieved by this action, the petitioners have approached this Court.

6. All the petitioners herein are similarly placed with each other, who after completing their Bachelors of Dental Surgery (BDS) course from their respective Colleges/Universities, had enrolled themselves in respondent no. 4 College, from where they had pursued their MDS course. The petitioners in all the petitions have the same grievance against the respondents herein.

7. Learned counsel appearing on behalf of the petitioners argues that as per Regulation 23 of the Dental Council of India, Master of Dental Surgery Course Regulations, 2017, any candidate who is declared successful in the examination shall be granted a Degree of Master of Dental Surgery in his respective speciality. It is stated that this provision makes it mandatory on the part of respondent no. 3 and 4 to issue a Degree of MDS to the candidate on the successful completion of the exam. Further, after issuance of MDS Degree, the same must be recognized as per Section 40 of the Dentist Act, 1948. It is therefore argued that the action of the respondent no. 3, of not recognizing the MDS degree awarded to the petitioners, is violative of Section 40 of the Dentist Act and Regulation 23 of MDS Regulations of 2017. It is further submitted that the action of non-recognition of MDS degree, awarded to the Batch of 2020-23, is also infringing the fundamental right of petitioners i.e. right to livelihood and right to live with dignity protected under the Article 21 of the Constitution of India.



2024:DHC:6404



8. On the other hand, learned counsel appearing on advance notice on behalf of the Dental Council of India, argues at the outset that the respondent no. 4 College, which has awarded the MDS Degree to the petitioners herein, is situated in District Jhajjar, Haryana. It is further submitted that there are several legal proceedings pending in the competent Courts of Haryana, including those related to the land on which the respondent no. 4 college is operating, proceedings under SARFAESI Act, disputes among the Directors of the college, and these are relevant facts which are to be considered before deciding the issues in question. Thus, it is submitted that it will be appropriate for the petitioners to approach the Hon'ble High Court of Punjab and Haryana, and these petitions ought to be dismissed on the grounds of maintainability.

9. In rebuttal, learned counsel for the petitioners submit that the grievance of petitioners is against the Dental Council of India, since it has failed to fulfill its duties, and thus, these petitions are maintainable before this Court.

10. This Court has **heard** arguments addressed by learned counsels appearing on behalf of all the parties and has perused the material placed on record.

11. The common issue that arises is whether these petitions are maintainable before this Court, considering the question of territorial jurisdiction.

12. In the present case, all the petitioners herein had appeared in the NEET-MDS 2020 Examination, and had successfully qualified the same, and pursuant thereto, they were allotted seats in the MDS



2024:DHC:6404



course in respondent no. 4 i.e. PDM Dental College and Research Institute, Haryana, in the 2020-2023 Batch.

13. The grievance of the petitioners now, essentially, is that the Dental Council of India has refused to recognize the MDS Degree awarded to the petitioners by respondent no. 4 College. The ground on which the petitioner has approached this High Court is that the Head Office of the Dental Council of India i.e., respondent no. 3 is situated within the territorial jurisdiction of this Court. However, merely because the office of respondent no. 3 is situated within the territorial jurisdiction of this Court, it cannot be a ground to entertain the instant writ petition.

14. This Court notes that in these writ petitions, the petitioners have made several averments as to how the respondent no. 4 College, situated in District Jhajjar, Haryana, after completion of final examination of the MDS Batch of 2020-23, had started delaying the practical examination, and how the same was conducted after a delay of about four months. The State of Haryana has also been impleaded as a party in these petitions, since one of the averments of the petitioners is also that the respondent no. 4 College is a recognized College/institute as per the data available on concerned websites of State of Haryana. Pertinently, the learned counsel appearing on behalf of Dental Council of India had drawn this Court's attention towards the fact that the College/institute from which the petitioners have acquired their MDS degree, i.e. PDM Dental College and Research Institute situated in State of Haryana, is built on a land which has been mortgaged. He further informed this Court that some



2024:DHC:6404



proceedings under the SARFAESI Act are pending against the said College, in the competent Courts of State of Haryana, and there are other disputes also between the Directors of the college.

15. In this background, it will be useful to refer to the judgment of Hon'ble Apex Court in case of *Kusum Ingots & Alloys Ltd. v. Union of India* (2004) 6 SCC 254. The relevant observations which are relevant to the facts of the present case are extracted hereunder:

“Forum conveniens

30. We must, however, remind ourselves that **even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens.** [See Bhagat Singh Bugga v. Dewan Jagbir Sawhney, Madanlal Jalan v. Madanlal, Bharat Coking Coal Ltd. v. Jharia Talkies & Cold Storage (P) Ltd., S.S. Jain & Co. v. Union of India and New Horizons Ltd. v. Union of India.]”

(Emphasis supplied)

16. Thus, as per the abovesaid judgment, in case a small part of cause of action arises within the territorial jurisdiction of a High Court, the same by itself may not be considered to be a determinative factor to compel that particular High Court to exercise its jurisdiction. Further, in appropriate cases, the Court may decline to exercise its discretion by invoking the doctrine of forum conveniens.

17. A similar view was also taken by the Hon'ble Apex Court in the case of *State of Goa v. Summit Online Trade Solutions (P) Ltd.* (2023) 7 SCC 791, wherein it has been held as under:



“14. While dealing with an objection as to lack of territorial jurisdiction to entertain a writ petition on the ground that the cause of action has not arisen within its jurisdiction, a **High Court essentially has to arrive at a conclusion on the basis of the averments made in the petition memo treating the contents as true and correct. That is the fundamental principle.** Bearing this in mind, we have looked into the petition memo of WP (C) No. 38 of 2017 and searched in vain to trace how at least part of the cause of action has been pleaded by the petitioning company, to have arisen within the territorial jurisdiction of the High Court.

15. This is a case where clause (2) of Article 226 has been invoked by the High Court to clothe it with the jurisdiction to entertain and try the writ petitions. **The constitutional mandate of clause (2) is that the “cause of action”, referred to therein, must at least arise in part within the territories in relation to which the High Court exercises jurisdiction** when writ powers conferred by clause (1) are proposed to be exercised, notwithstanding that the seat of the Government or authority or the residence of the person is not within those territories.

16. The expression “cause of action” has not been defined in the Constitution. However, the classic definition of “cause of action” given by Lord Brett in *Cooke v. Gill* [*Cooke v. Gill*, (1873) LR 8 CP 107] that “*cause of action means every fact which it would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the court*”, has been accepted by this Court in a couple of decisions. It is axiomatic that without a cause, there cannot be any action. **However, in the context of a writ petition, what would constitute such “cause of action” is the material facts which are imperative for the writ petitioner to plead and prove to obtain relief as claimed.**

17. **Determination of the question as to whether the facts pleaded constitute a part of the cause of action, sufficient to attract clause (2) of Article 226 of the Constitution, would necessarily involve an exercise by the High Court to ascertain that the facts, as pleaded, constitute a material, essential or integral part of the cause of action. In so determining, it is the substance of the matter that is relevant. It, therefore, follows that the party invoking the writ jurisdiction has to disclose that the integral facts pleaded in support of the cause of action do constitute a cause empowering the High Court to decide the dispute and**



2024:DHC:6404



that, at least, a part of the cause of action to move the High Court arose within its jurisdiction. Such pleaded facts must have a nexus with the subject-matter of challenge based on which the prayer can be granted. Those facts which are not relevant or germane for grant of the prayer would not give rise to a cause of action conferring jurisdiction on the court. These are the guiding tests”

(Emphasis Supplied)

18. A Coordinate Bench of this Court in the case of *Chinteshwar Steel Pvt. Ltd. v. Union of India* 2012 SCC OnLine Del 5264, has held that in case of pan India Tribunals, or Tribunals/statutory authorities having jurisdiction over several States, the situs of the Tribunal would not necessarily be the marker for identifying the jurisdictional High Court.

19. This Court also notes, based on judicial precedents, that Courts have the power under Article 226 of the Constitution of India to exercise or decline their discretion to entertain writ petitions when the petitioner has an alternative, more appropriate, and convenient High Court to approach. As mentioned above, it is reiterated that it is a settled position of law that if only a part of the cause of action arises within the territorial jurisdiction of the Court, the Court may decline to entertain the case if it is of the opinion that it is not the forum conveniens.

20. Considering the aforesaid facts and circumstances, this Court is of the view that the reasons for which Dental Council of India has yet not recognized the Degree issued by respondent no. 3 college, situated in Haryana, is due to factum of several legal proceedings *qua* the said College pending in competent Courts of Haryana, and



2024:DHC:6404



therefore, the present petition is dismissed alongwith pending applications solely on the ground of territorial jurisdiction. The petitioners would be at liberty to approach the appropriate Court of jurisdiction for redressal of their grievance, in accordance with law.

21. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

AUGUST 23, 2024/ns