



REPORTABLE

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Special Appeal (Writ) No. 456/2024

CNR: RJHC020603692024 | URN: SAW / 1230U / 2024



1. Union Of India, Through Its Secretary, Ministry Of Home Affairs, New Delhi.
2. Director General, Sashastra Seema Bal, Ministry Of Home Affairs, East Block-5, R.k. Puram New Delhi-110066.
3. Commandant, (Rectt.) Recruitment, Sashastra Seema Bal, Ministry Of Home Affairs, East Block-5, R.k. Puram New Delhi-110066.

----Appellants

Versus

Sunil Kumar Son Of Shri Megha Ram, Aged About 30 Years,
Resident Of Village Bhale Kha Ki Dhani, Post Parasrampura,
Tehsil Nawal Garh, District Jhunjhunu. (Raj.)

----Respondent

Connected With

D.B. Special Appeal (Writ) No. 192/2024

CNR: RJHC020161702024 | URN: SAW / 470U / 2024

1. The Union Of India, Ministry Of Home Affairs, Office Of Director General, Sashatra Seema Bal, Through Its Director General, Address - Sashatra Seema Bal, East Block-V, R.k. Puram, New Delhi-110066.
2. The Union Of India, Ministry Of Home Affairs, Office Of Director General, Sashatra Seema Bal, Through Its Commandant (Rectt.), Address - Sashatra Seema Bal, East Block-V, R.k. Puram, New Delhi-110066.

----Appellants

Versus

Anita Kumari D/o Shri Mool Chand, Aged About 25 Years, R/o
Village Nitro Ki Dhani, Ward No. 18, Bhorki, Jhunjhunu (Raj.)

----Respondent



D.B. Special Appeal (Writ) No. 455/2024

CNR: RJHC020603742024 | URN: SAW / 1229U / 2024

1. Union Of India, Through Its Secretary, Ministry Of Home Affairs, New Delhi.
2. Director General, Sashastra Seema Bal, Ministry Of Home Affairs, East Block-5, R.k. Puram New Delhi-110066.
3. Commandant, (Rectt.) Recruitment, Sashastra Seema Bal, Ministry Of Home Affairs, East Block-5, R.k. Puram New Delhi-110066.

-----Appellants

Versus

Lokendra Singh Tanwar S/o Shri Nahar Singh Tanwar, Aged About 29 Years, Resident Of Village Jhalra, Post Dayal Ki Nangal, Tehsil Neem Ka Thana District Sikar (At Present District Neem Ka Thana) (Raj.)

-----Respondent

D.B. Special Appeal (Writ) No. 457/2024

CNR: RJHC020603582024 | URN: SAW / 1231U / 2024

1. Union Of India, Through Its Secretary, Ministry Of Home Affairs, New Delhi.
2. Director General, Sashastra Seema Bal, Ministry Of Home Affairs, East Block-5, R.k. Puram New Delhi-110066.
3. Commandant, (Rectt.) Recruitment, Sashastra Seema Bal, Ministry Of Home Affairs, East Block-5, R.k. Puram New Delhi-110066.

-----Appellants

Versus

Visnu Singh Son Of Shri Hari Singh, Aged About 25 Years, Resident Of Village Khohra Thakran, Post Basni, Kot Kasim, District Alwar. (Raj.)

-----Respondent

D.B. Special Appeal (Writ) No. 459/2024

CNR: RJHC020603602024 | URN: SAW / 1233U / 2024

1. Union Of India, Through Its Secretary, Ministry Of Home Affairs, New Delhi.
2. Director General, Sashastra Seema Bal, Ministry Of Home



Affairs, East Block-5, R.k. Puram New Delhi-110066.

3. Commandant (Rectt.), Recruitment Sashastra Seema Bal, Ministry Of Home Affairs, East Block-5, R.k. Puram New Delhi-110066.

----Appellants

Versus

Gugan Singh Son Of Shri Hanuman, Aged About 28 Years, Resident Of Village Govinddas Pura, Rampura, Tehsil Khetri, District Jhunjhunu. (At Present District Neem Ka Thana) (Raj).

----Respondent

D.B. Special Appeal (Writ) No. 462/2024

CNR: RJHC020603772024 | URN: SAW / 1236U / 2024

1. The Union Of India, Ministry Of Home Affairs, Office Of Director General, Sashastra Seema Bal, Through Its Director General, Address Sashastra Seema Bal, East Block-V, R.k. Puram, New Delhi-110066.
2. The Union Of India, Ministry Of Home Affairs, Office Of Director General, Sashastra Seema Bal, Through Its Commandant (Rectt.), Address Sashastra Seema Bal, East Block-V, R.k. Puram, New Delhi-110066.

----Appellants

Versus

Sarita Kumari D/o Sh. Mahavir Prasad, Aged About 27 Years, Village Tiba, Post Basai, Tehsil Khetri, District Jhunjhunu (Raj.)

----Respondent

D.B. Special Appeal (Writ) No. 491/2024

CNR: RJHC020653362024 | URN: SAW / 1300U / 2024

1. Union Of India, Through Its Secretary, Ministry Of Home Affairs, New Delhi.
2. Director General, Indo-Tibetan Border Police Force, Ministry Of Home Affairs, Itbp Head Quarters, Block-02, Cgo Complex, Lodhi Road, New Delhi-110003.
3. Inspector General (Estt.) Dte. Recruitment, Central Reserve Police Force, Ministry Of Home Affairs, East Block-7, Level-4, Sector-1, R.k. Puram New Delhi-110066

----Appellants



Vikas Yadav Son Of Shri Lal Chand Yadav, Aged About 26 Years,
Resident Of Royi Wali Dhani, Lalpura Pachar, Jaipur, District
Jaipur (Raj.)

----Respondent



D.B. Special Appeal (Writ) No. 32/2025

CNR: RJHC021106622024 | URN: SAW / 117U / 2025

1. Union Of India, Through Its Secretary, Ministry Of
Personnel, Public Grievances And Pensions, Govt.
Secretariat, New Delhi.
2. Commissioner, Staff Selection Commission, Block No. 12,
Cgo Complex, Lodhi Road, New Delhi-1100003.
3. Staff Selection Commission, Northern Region, Block No.
12, Gco Complex, Lodhi Road, New Delhi-1100003
Through Its Regional Director.

----Appellants

Versus

Meena Manish Kumar Ramsingh Son Of Shri Ramsingh Meena,
Aged About 28 Years, Resident Of Village And Post Nandri, Thesil
Sikrai, District Dausa (Raj.)

----Respondent

For Appellant(s)	:	Mr. Bharat Vyas, ASG with Mr. CS Sinha, Mr. Rakesh Chaudhary & Mr. Mayank Kamwar
For Respondent(s)	:	Mr. Sunil Kumar Saini, Adv. with Mr. Hemant Taylor, Adv. Mr. Vikas Meena for Mr. Tribhuwan Narayan Singh, Adv.

HON'BLE THE CHIEF JUSTICE MR. SANJAY K. AGRAWAL

HON'BLE MR. JUSTICE INDERJEET SINGH

Judgment

(25/09/2026)

Sanjay K. Agrawal, CJ

1. This batch of writ appeals is directed against the order dated
31.01.2024, by which the preliminary objection with regard to the



jurisdiction of this Court, filed by the appellants-writ petitioners, has been dismissed by the learned Single Judge, finding no merit.

2. The aforesaid challenge has been made on the following factual backdrop:

(i) An advertisement dated 28.07.2020 was issued for recruitment on pan India basis. The writ petitioners qualified the PET/PST at Alwar (Rajasthan) and computer test at dedicated center situated at Sikar, Rajasthan. They undertook and qualified the trade test in District Supaul (Bihar). Thereafter, they were called upon to undertake the detailed medical examination at New Delhi. As such, the entire recruitment process conducted at different States was indivisible one. The different stages of the recruitment process were inter-connected.

(ii) The writ petitioners filed writ petitions before this Court, wherein the respondent-Union of India was directed to consider the fitness certificate of the writ petitioners issued by specialist doctors of government hospital, or to conduct the Review Medical Examination and consequently give appointment on the post of Constable Driver in the Sashastra Seema Bal (S.S.B.) with all consequential benefits.

(iii) The Union of India herein raised a preliminary objection that this Court has no territorial jurisdiction to entertain the present writ petitions as no cause of action has arisen within the territorial jurisdiction of this Court. Therefore, the writ petitions be dismissed for want of territorial jurisdiction.

(iv) The learned Single Judge vide order dated 24.01.2024, heard the submissions on the following issue:





"Whether this court lacks territorial jurisdiction to entertain petitions when the recruitment process was held nationwide and the applicants were made to appear before different authorities situated at different States, including the State of Rajasthan, when the primary challenge is to an impugned order issued outside the State of Rajasthan?"

(v) The learned Single Judge, in paragraph 7, summed up the factual dispute and answered as under:

"7. With this being the position of law, this Court will first look at the averments made in the writ petition as well as oral submissions made by learned counsel for the petitioner to decide the issue of territorial jurisdiction. The following points are therefore noteworthy:

a) The advertisement dated 28.07.2020 was issued by Respondents situated at New Delhi for recruitment on posts 'anywhere in India or outside the territory of India'.

b) The petitioners are permanent residents of State of Rajasthan and had even provided their permanent addresses as the address for communication. The petitioners had filled the online form in the State of Rajasthan and downloaded admit card in the State of Rajasthan.

c) The recruitment process was broken into different stages with PET/PST and the computer test being conducted in the State of Rajasthan at dedicated centers fixed by the Respondents themselves. The trade test was conducted in Bihar and the detailed medical examination was conducted in New Delhi. Though different stages of the recruitment were conducted in different States, the principal recruiter was Respondent No.1 throughout. To be eligible for appointment, the applicant had to clear all the stages of the recruitment. Therefore, it is quite obvious that the entire recruitment process was a composite and inter-connected one."

(vi) Thereafter, the learned Single Judge held that the recruitment process was a composite one and different stages of the recruitment process were inter-connected with each other, the



fact that PET/PST and computer test were conducted in the State of Rajasthan would constitute integral cause of action, conferring territorial jurisdiction upon this Court to entertain the writ petition, directed against the primary recruitment authority, i.e., respondent No.1 and further held that part of the cause of action has arisen in the territorial jurisdiction of this Court and accordingly, overruled the preliminary objections, against which this batch of writ appeals has been preferred.



3. Mr. Bharat Vyas, learned Additional Solicitor General strongly submitted that the learned Single Judge is absolutely unjustified in rejecting the preliminary objections by recording findings contrary to the record, as no cause of action has arisen within the territorial jurisdiction of this Court. As such, the writ appeals deserve to be allowed and the order of the learned Single Judge deserves to be quashed and set aside.

4. Mr. Sunil Kumar Saini and Mr. Vikas Meena, learned counsel appearing for the respective respondents supported the impugned order.

5. We have heard learned counsel for the parties, considered the rival submissions and gone through the records including the impugned order.

6. It is not in dispute that the advertisement dated 28.07.2020 was issued for recruitment on posts '*anywhere in India or outside the territory of India*'.



7. As the writ petitioners are residents of the State of Rajasthan and had even submitted their permanent address as the State of Rajasthan, as address for communication, the writ petitioners had filed the online form in the State of Rajasthan and downloaded the admit card in the State of Rajasthan.

8. The recruitment process was broken into different stages with PET/PST and the computer test being conducted in the State of Rajasthan at dedicated centers fixed by the respondents themselves. The trade test was conducted in the State of Bihar and the detailed medical examination was conducted in New Delhi and as such, though the different stages of recruitment were conducted in different states, the principal recruiter was conducted by respondent No. 1 throughout India.

9. Article 226 was inserted in the Constitution of India by Fifteenth Amendment Act, 1963 and 42nd Amendment Act, 1976. As a result of the insertion of Article 226(2), the writ petition under Article 226 can be presented before any of the High Courts under the following heads:

(i) The High Court within whose territorial jurisdiction the person or authority against whom relief is sought resides or is situated.

(ii) The High Court within whose jurisdiction the cause of action in respect of which relief is sought under Article 226 has arisen, wholly or in part.

(iii) Clause (2) of Article 226 of the Constitution of India was inserted in order to remove the hardship that flowed from confining writ jurisdiction to the seat of respondent-authority



jurisdiction, and to permit a High Court to entertain a petition wherever a part of the "cause of action" arises, regardless of where the authority is situated.

(iv) Cause of action for this purpose bears the same meaning as under Section 20(c) of the Code of Civil Procedure. It is a bundle of material integral facts which the petitioner must prove to succeed and now it is well settled that even a fraction of such cause of action arising within the territorial limits of the court is sufficient to found jurisdiction.

10. In this regard, the decision rendered by the Hon'ble Supreme Court in the matter of **Nawal Kishore Sharma Versus Union of India & Ors.**¹, may be noticed herein, in which the Supreme Court relying upon the matter of **Kusum Ingots & Alloys Ltd Versus Union of India**², discussed the test for what constitutes a sufficient part of the cause of action and held relying upon the earlier decision in the matter of **Union of India & Ors. Versus Adani Exports Ltd & Anr.**³, that what is required is a nexus between the pleaded facts and the relief and not the mere multiplication of incidental facts.

11. It was further held that even a small fraction of cause of action arising within the State would satisfy the test that whether even the small fraction of cause of action arises within the forum was applied by the Supreme Court and proceeded to hold that the dismissal of the writ petition for want of territorial jurisdiction, where a fraction of cause of action was found to have arisen within

1 (2014) 9 SCC 329

2 (2004) 6 SCC 254

3 (2002) 1 SCC 567



the State, could not be sustained. It has been observed in paragraphs **9, 12, 13, 14 and 15** as under:

"9. The interpretation given by this Court in the aforesaid decisions resulted in undue hardship and inconvenience to the citizens to invoke writ jurisdiction. As a result, clause (1-A) was inserted in Article 226 by the Constitution (Fifteenth) Amendment Act, 1963 and subsequently renumbered as clause (2) by the Constitution (Forty-second) Amendment Act, 1976. The amended clause (2) now reads as under:

"226.Power of High Courts to issue certain writs.—(1)

Notwithstanding anything in Article 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases any Government, within those territories, directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

(3)-(4)***"

On a plain reading of the amended provisions in clause (2), it is clear that now the High Court can issue a writ when the person or the authority against whom the writ is issued is located outside its territorial jurisdiction, if the cause of action wholly or partially arises within the court's territorial jurisdiction. Cause of action for the purpose of Article 226(2) of the Constitution, for all intent and purpose must be assigned the same meaning as envisaged under Section 20(c) of the Code of Civil Procedure. The expression cause of action has not been defined either in the Code of Civil Procedure or the Constitution. Cause of action is bundle of facts which is necessary for the plaintiff to prove in the suit before he can succeed. The term "cause of action" as appearing in clause (2) came up for consideration time and again before this Court.



12. In *Kusum Ingots & Alloys Ltd. v. Union of India*, this Court elaborately discussed clause (2) of Article 226 of the Constitution, particularly the meaning of the word "cause of action" with reference to Section 20(c) and Section 141 of the Code of Civil Procedure and observed: (SCC p. 259, paras 9-10)

"9. Although in view of Section 141 of the Code of Civil Procedure the provisions thereof would not apply to writ proceedings, the phraseology used in Section 20(c) of the Code of Civil Procedure and clause (2) of Article 226, being in pari materia, the decisions of this Court rendered on interpretation of Section 20(c) CPC shall apply to the writ proceedings also. Before proceeding to discuss the matter further it may be pointed out that the entire bundle of facts pleaded need not constitute a cause of action as what is necessary to be proved before the petitioner can obtain a decree is the material facts. The expression material facts is also known as integral facts.

10. Keeping in view the expressions used in clause (2) of Article 226 of the Constitution of India, indisputably even if a small fraction of cause of action accrues within the jurisdiction of the Court, the Court will have jurisdiction in the matter."

Their Lordships further observed as under: (*Kusum Ingots & Alloys Ltd. Case*, SCC p. 264, paras 29-30)

"29. In view of clause (2) of Article 226 of the Constitution of India, now if a part of cause of action arises outside the jurisdiction of the High Court, it would have jurisdiction to issue a writ. The decision in *Khajoor Singh* has, thus, no application.

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."

13. In *Union of India v. Adani Exports Ltd.*, this Court held that in order to confer jurisdiction on a High Court to entertain a writ petition it must disclose that the integral facts pleaded in support of the cause of action do constitute a cause so as to empower the Court to decide the dispute and the entire or a part of it arose within its jurisdiction.





Each and every fact pleaded by the respondents in their application does not ipso facto lead to the conclusion that those facts give rise to a cause of action within the Court's territorial jurisdiction unless those facts are such which have a nexus or relevance with the lis i.e. involved in the case. This Court observed: (SCC pp. 573-74, para 17)

"17. It is seen from the above that in order to confer jurisdiction on a High Court to entertain a writ petition or a special civil application as in this case, the High Court must be satisfied from the entire facts pleaded in support of the cause of action that those facts do constitute a cause so as to empower the court to decide a dispute which has, at least in part, arisen within its jurisdiction. It is clear from the above judgment that each and every fact pleaded by the respondents in their application does not ipso facto lead to the conclusion that those facts give rise to a cause of action within the court's territorial jurisdiction unless those facts pleaded are such which have a nexus or relevance with the lis that is involved in the case. Facts which have no bearing with the lis or the dispute involved in the case, do not give rise to a cause of action so as to confer territorial jurisdiction on the court concerned. If we apply this principle then we see that none of the facts pleaded in para 16 of the petition, in our opinion, falls into the category of bundle of facts which would constitute a cause of action giving rise to a dispute which could confer territorial jurisdiction on the courts at Ahmedabad."

14. In *Om Prakash Srivastava v. Union of India*, answering a similar question this Court observed that on a plain reading of clause (2) of Article 226 it is manifestly clear that the High Court can exercise power to issue direction, order or writs for the enforcement of any of the fundamental rights or for any other purpose if the cause of action in relation to which it exercises jurisdiction notwithstanding that the seat of the Government or authority or the residence of the person against whom the direction, order or writ is issued is not within the said territory. In para 7 this Court observed: (SCC p. 210)

"7. The question whether or not cause of action wholly or in part for filing a writ petition has arisen within the territorial limits of any High Court has to be decided in the light of the nature and character of the proceedings under Article 226 of the Constitution. In order to maintain a writ petition, a writ petitioner has to establish that a legal right claimed by him has prima facie either been infringed or is threatened to be infringed by the respondent within the





territorial limits of the Court's jurisdiction and such infringement may take place by causing him actual injury or threat thereof."

15. In *Rajendran Chingaravelu v. CIT*, this Court while considering the scope of Article 226(2) of the Constitution, particularly the cause of action in maintaining a writ petition, held as under: (SCC p. 461, paras 9 & 11)

"9. The first question that arises for consideration is whether the Andhra Pradesh High Court was justified in holding that as the seizure took place at Chennai (Tamil Nadu), the appellant could not maintain the writ petition before it. The High Court did not examine whether any part of cause of action arose in Andhra Pradesh. Clause (2) of Article 226 makes it clear that the High Court exercising jurisdiction in relation to the territories within which the cause of action arises wholly or in part, will have jurisdiction. This would mean that even if a small fraction of the cause of action (that bundle of facts which gives a petitioner, a right to sue) accrued within the territories of Andhra Pradesh, the High Court of that State will have jurisdiction.

11. Normally, we would have set aside the order and remitted the matter to the High Court for decision on merits. But from the persuasive submissions of the appellant, who appeared in person on various dates of hearing, two things stood out. *Firstly*, it was clear that the main object of the petition was to ensure that at least in future, passengers like him are not put to unnecessary harassment or undue hardship at the airports. He wants a direction for issuance of clear guidelines and instructions to the inspecting officers, and introduction of definite and efficient verification/investigation procedures. He wants changes in the present protocol where the officers are uncertain of what to do and seek instructions and indefinitely wait for clearances from higher-ups for each and every routine step, resulting in the detention of passengers for hours and hours. In short, he wants the enquiries, verifications and investigations to be efficient, passenger-friendly and courteous. *Secondly*, he wants the Department/officers concerned to acknowledge that he was unnecessarily harassed."





12. The Supreme Court, in the matter of **State of Goa Versus Summit Online Trade Solutions (P) Ltd & Ors.**⁴, reaffirmed the same guiding test just for determining whether the pleaded facts constitute an integral part of the cause of action.

13. In the matter of **Shanti Devi Alias Shanti Mishra v. Union of India & Ors.**⁵, Article 226(2) was comprehensively restated by the Supreme Court, tracing the position from **Oil & Natural Gas Commission v. Utpal Kumar Basu & Ors**⁶, through **Navinchandra N. Majithia v. State of Maharashtra & Ors.**⁷ and **Nawal Kishore Sharma** (supra) and culminating in the recognized doctrine of forum conveniens/forum non conveniens. The extract is taken from **Shanti Devi** (supra), which states as under:

"20. This Court had occasion to consider the cause of action in the contest of Article 226 of the Constitution and has explained the expression "cause of action" in a large number of cases. We may refer to a three-Judge Bench judgment of this Court in *ONGC v. Utpal Kumar Basu*, where in paras 5 and 6 following has been laid down. (SCC pp 716-17)

"5. Clause (1) of Article 226 begins with a non-obstante clause - notwithstanding anything in Article 32 - and provides that every High Court shall have power 'throughout the territories in relation to which it exercises jurisdiction', to issue to any person or authority, including in appropriate cases, any Government, "within those territories" directions, orders or writs, for the enforcement of any of the rights conferred by Part III or for any other purpose. Under clause (2) of Article 226 the High Court may exercise its power conferred by clause (1) if the cause of action, wholly or in part, had arisen within the territory over which it exercises jurisdiction, notwithstanding that the seat of such Government authority or the residence of such person is not within those territories. On a plain reading of the aforesaid two clauses of Article

4 (2023) 7 SCC 791

5 (2020) 10 SCC 766

6 (1994) 4 SCC 711

7 (2000) 7 SCC 640



226 of the Constitution it becomes clear that a High Court can exercise the power to issue directions, orders or writs for the enforcement of any of the fundamental rights conferred by Part III of the Constitution or for any other purpose if the cause of action, wholly or in part, had arisen within the territories in relation to which it exercises jurisdiction, notwithstanding that the seat of the Government or authority or the residence of the person against whom the direction, order or writ within the said territories. In order to confer jurisdiction on the High Court of Calcutta, NICCO must show that at least a part of the cause of action had arisen within the territorial jurisdiction of that Court. That is at best its case in the writ petition.

6. It is well settled that the expression "cause of action" means that bundle of facts which the petitioner must prove, if traversed, to entitle him to a judgment in his favour by the court. In Chand Kour v. Partab Singh Lord Watson said: (IA pp. 157-58)

'.....the cause of action has no relation whatever to the defence which may be set up by the defendant, nor does it depend upon the character of the relief prayed for by the plaintiff. It refers entirely to the grounds set forth in the plaint as the cause of action, or, in other words, to the media upon which the plaintiff asks the court to arrive at a conclusion in his favour'.

Therefore, in determining the objection of lack of territorial jurisdiction the court must take all the facts pleaded in support of the cause of action into consideration albeit without embarking upon an enquiry as to the correctness or otherwise of the said facts. In other words the question whether a High Court has territorial jurisdiction to entertain a writ petition must be answered on the basis of the averments made in the petition, the truth or otherwise whereof being immaterial. To put it differently, the question of territorial jurisdiction must be decided on the facts pleaded in the petition.

Therefore, the question whether in the instant case the Calcutta High Court had jurisdiction to entertain and decide the writ petition in question even on the facts alleged must depend upon whether the averments made in Paras 5, 7, 18, 22, 26 and 43 are sufficient in law to establish that a part of the cause of action



had arisen within the jurisdiction of the Calcutta High Court."

21. This Court in Navinchandra. N. Majithia v. State of Maharashtra, had occasion to consider territorial jurisdiction of the High Court under Article 226(2). Dealing with constitutional amendment made in Article 226(2), this Court laid down the following in para 37: (SCC p. 653)

"37 The object of the amendment by inserting clause (2) in the article was to supersede the decision of the Supreme Court in Election Commission v. Saka Venkata Rao and to restore the view held by the High Courts in the decisions cited above. Thus the power conferred on the High Courts under Article 226 could as well be exercised by any High Court exercising jurisdiction in relation to the territories within which the 'cause of action, wholly or in part, arises' and it is no matter that the seat of the authority concerned is outside the territorial limits of the jurisdiction of that High Court. The amendment is thus aimed at widening the width of the area for reaching the writs issued by different High Courts."

22. It was further held that the collocation of the words "cause of action, wholly or in part, arises" seems to have been lifted from Section 20 of the Code of Civil Procedure. This Court also quoted the definition of "cause of action given by Lord Esher in Read v. Brown in para 39. In paras 38, 39 and 41, the following was laid down: (Navinchandra N. Majithia case, SCC pp. 654-55)

"38 "Cause of action" is phenomenon well understood in legal parlance. Mohapatra. J. has well delineated the import of the said expression by referring to the celebrated lexicographies. The collocation of the words 'cause of action, wholly or in part, arises' seems to have been lifted from Section 20 of the Code of Civil Procedure, which section also deals with the jurisdictional aspect of the courts. As per that section the suit could be instituted in a court within the legal limits of whose jurisdiction the 'cause of action wholly or in part arises. Judicial pronouncements have accorded almost a uniform interpretation to the said compendious expression even prior to the Fifteenth Amendment of the Constitution as to mean 'the bundle of facts which would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the court."





39. In *Read v. Brown* Lord Esher, M.R., adopted the definition for the phrase 'cause of action' that it meant. (QBD p. 131).

'...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. It does not comprise every piece of evidence which is necessary to prove each fact, but every fact which is necessary to be proved.

* * *

'41. Even in the context of Article 226(2) of the Constitution, this Court adopted the same interpretation to the expression 'cause of action, wholly or in part, arises' vide *State of Rajasthan v. Swaika Properties*. A three-Judge Bench of this Court in *ONGC v. Utpal Kumar Basu* observed that it is well settled that the expression "cause of action" means that bundle of facts which the petitioner must prove, if traversed to entitle him to a judgment in his favour. Having given such a wide interpretation to the expression Ahmadi, J. (as the learned Chief Justice then was) speaking for M.N. Venkatachaliah. C.J. and B.P. Jeevan Reddy. J., utilised the opportunity to caution the High Courts against transgressing into the jurisdiction of the other High Courts merely on the ground of some insignificant event connected with the cause of action taking place within the territorial limits of the High Court to which the litigant approaches at his own choice or convenience. The following are such observations: (*ONGC case*, SCC p. 722, para 12)

'12.... If an impression gains ground that even in cases which fall outside the territorial jurisdiction of the court, certain members of the court would be willing to exercise jurisdiction on the plea that some event, however trivial and unconnected with the cause of action had occurred within the jurisdiction of the said court, litigants would seek to abuse the process by carrying the cause before such members giving rise to avoidable suspicion. That would lower the dignity of the institution and put the entire system to ridicule. We are greatly pained to say so but if we do not strongly deprecate the growing tendency we will, we are afraid, be failing in our duty to the institution and the system of administration of justice. We do hope that we will not have another occasion to deal with such a situation."





14. Thus, it is well settled beyond doubt that the insertion of Article 226(2) of the Constitution of India confers jurisdiction if a material or integral fraction of the cause of action arises within the territorial limits of this Court and not on the location of the respondent authority.

15. Reverting to the facts of the case in light of the above, the petitioners are Rajasthan based unemployed youths, who participated in the recruitment process from Rajasthan and whose substantive recruitment stages were also conducted in Rajasthan and requiring them to pursue their constitutional remedy before a distant High Court would cause avoidable hardship and expense. Thus, apart from that, a part of the cause of action arose in Rajasthan, Rajasthan High Court is also convenient and appropriate forum for the petitioners.

16. As such, the present substantial connection of the dispute with Rajasthan, as set out above, coupled with the fact that the petitioners are Rajasthan based unemployed youths and participated in material stages of recruitment within the State, this Court is not only having territorial jurisdiction, but also a convenient and appropriate forum for adjudication of the dispute.

17. Thus, the principles of law laid down in the matter of **Shanti Devi** (supra) and **Baksish Ahmad Versus Union of India and Anr.**⁸, operate collectively to support the exercise of jurisdiction by this Court under Article 226 of the Constitution of India.



18. In the matter of **Baksish Ahmad** (supra), the Supreme Court has explained that where multiple forums are available, the Court must consider which forum is “more convenient and/or better suited” to decide the dispute. Their Lordships of the Supreme Court also recognized that choice of forum is not by itself decisive and the Court must consider the interest of the parties at the ends of justice.

19. As such, the learned Single Judge has rightly overruled the preliminary objection on the ground of territorial jurisdiction as raised by the Union of India.

20. We do not find any merit in the appeals, the appeals being devoid of merit, are hereby dismissed, leaving the parties to bear their own cost(s). Pending application, if any, also stands dismissed.

21. A copy of this order be placed in each connected file.

(INDERJEET SINGH),J

(SANJAY K. AGRAWAL),CJ

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