
Mojjam Rahmani Vs Union of India and Others

Writ Petition C No 5251 of 2011

Court: Chhattisgarh High Court

Date of Decision: Dec. 14, 2011

Acts Referred:

Civil Procedure Code, 1908 (CPC) " Order 7 Rule 11, 141, 16, 17, 18#Constitution of India, 1950 " Article 226, 226(2), 227, 32

Hon'ble Judges: Satish K. Agnihotri, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

Hon"ble Shri Satish K Agnihotri, J

1. By this petition, the petitioner seeks a direction to the respondent No. 3 for issuing National Trade Certificate to the petitioner for the Trade of

Electrician.

2. The facts, in brief, as projected by the petitioners are that the petitioner, after passing Higher Secondary Examination, was admitted to Industrial

Training Institute (for short "the ITI") at Belganga Nagar, Tahsil Chalisgaon, District Jalgaon, Maharashtra. The training was conducted as per the

Training Manual for ITIs and Centres, prepared by the Directorate General of Employment and Training, Ministry of Labour, Government of India

i.e. the respondent No. 2. As per the Training Manual, on the basis of various recommendations from time to time, the National Council for

Vocational Training (for short "the NCVT") was constituted which is the prime body for controlling and regulating the training programme. The

petitioner successfully completed the training programme held between August, 2001 and July, 2003, and thereafter passed the Trade Test

conducted by the NCVT. A provisional certificate to this effect was issued in the year 2003. However, till date, the petitioner has not been issued

the National Trade Certificate as prescribed under para 33 (b) read with para 33 (c) of the Manual of the NCVT.

3. Shri Shrivastava, learned counsel appearing for the petitioner has not been issued National Trade Certificate due to which, the petitioner could

not secure job in Delhi Metro, though the petitioner has successfully passed the competitive examination for the post of Assistant Loco Pilot, held

in the month of February, 2011. The petitioner made an application on 08.08.2011 to the respondent No. 2 (Annexure P/2) requesting to issue the

National Trade Certificate, however, the petitioner has not received any response in this regard from the respondent No. 2. Thus, the respondent

authorities may be directed to issue the certificate, as aforesaid, as expeditiously as possible, as in absence of the certificate, the candidature of

the petitioner for the post of Assistant Loco Pilot would not be considered.

4. On the other hand, Shri Tiwari, learned counsel appearing for the Union of India/respondent No. 1 and 2 submits that this petition is not

maintainable as the cause of action has arisen in the State of Maharashtra, thus, this Court may not be appropriate forum for issuance of a direction

to the respondent authorities.

5. Shri Shrivastava next submits that though, the petitioner has pursued his I.T.I. training in the State of Maharashtra, but as the petitioner is the

resident of District Durg, Chhattisgarh, thus, this petition is maintainable before this Court. Under Article 226(2) of the Constitution of India, 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, may issue directions/orders or writs to any Government, authority or person. In support of his contention, Shri Shrivastava relies on a

decision of *Rajendran Chingaravelu v. R.K.Mishra, Additional Commissioner of Income Tax & Others 1* and *Rajasthan High Court Advocates*

Association v. Union of India & Others 2.

6. The petitioner relies on para 33 of the NCVT manual which prescribes for issuance of National Trade Certificate. However, the petitioner has

not filed a copy of the NCVT manual alongwith this petition. The petitioner has pursued his training in the State of Maharashtra. None of the

respondents belong to the State of Chhattisgarh. Even, the petitioner has failed to establish as to how cause of action arises to file petition, before

this Court. The petitioner has also not arrayed ITI, Belganganagar, as the party respondent, from where, the petitioner has completed his training.

7. Article 226(2) of the Constitution of India, reads as under:

226. (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.

8. In *Kusum Ingots & Alloys Ltd. v. Union of India*³, the Supreme Court observed as under:

6. Cause of action implies a right to sue. The material facts which are imperative for the suitor to allege and prove constitute the cause of action.

Cause of action is not defined in any statute. It has, however, been judicially interpreted *inter alia* to mean that every fact which would be necessary

for the plaintiff to prove, if traversed, in order to support his right to the judgment of the Court. Negatively put, it would mean that everything

which, if not proved, gives the defendant an immediate right to judgment, would be part of cause of action. Its importance is beyond any doubt.

For every action, there has to be a cause of action, if not, the plaint or the writ petition, as the case may be, shall be rejected summarily.

7. Clause (2) of Article 226 of the Constitution of India reads thus:

226. (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.

8. Section 20(c) of the CPC reads as under:

20. Other suits to be instituted where defendants reside or cause of action arises.-Subject to the limitations aforesaid, every suit shall be instituted

in a court within the local limits of whose jurisdiction

(a)-(b)***

(c) the cause of action, wholly or in part, arises.

9. Although in view of Section 141 of the CPC the provisions thereof would not apply to writ proceedings, the phraseology used in Section 20(c)

of the CPC 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.

11. In *Chand Kour v. Partab Singh*⁴ it was held: (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.

12. This Court in *Oil & Natural Gas Commission v. Utpal Kumar Basu*⁵ held that the question as to whether the Court has a territorial jurisdiction

to entertain a writ petition, must be arrived at on the basis of averments made in the petition, the truth or otherwise thereof being immaterial.

13. This Court in *Oil and Natural Gas Commission* case held that all necessary facts must form an integral part of the cause of action. It was

observed: (SCC p. 719, para 8)

So also the mere fact that it sent fax messages from Calcutta and received a reply thereto at Calcutta would not constitute an integral part of the

cause of action.

14. In *State of Rajasthan v. Swaika Properties*⁶ this Court opined that mere service of a notice would not give rise to any cause of action unless

service of notice was an integral part of the cause of action. The said decision has also been noticed in *Oil and Natural Gas Commission*. This

Court held: (SCC p. 223, para 8)

The answer to the question whether service of notice is an integral part of the cause of action within the meaning of Article 226(2) of the

Constitution must depend upon the nature of the impugned order giving rise to a cause of action.

15. In *Aligarh Muslim University v. Vinay Engg. Enterprises (P) Ltd.*⁷ this Court lamented: (SCC p. 711, para 2)

2. We are surprised, not a little, that the High Court of Calcutta should have exercised jurisdiction in a case where it had absolutely no jurisdiction.

The contracts in question were executed at Aligarh, the construction work was to be carried out at Aligarh, even the contracts provided that in the

event of dispute the Aligarh court alone will have jurisdiction. The arbitrator was from Aligarh and was to function there. Merely because the

respondent was a Calcutta-based firm, the High Court of Calcutta seems to have exercised jurisdiction where it had none by adopting a queer line

of reasoning. We are constrained to say that this is a case of abuse of jurisdiction and we feel that the respondent deliberately moved the Calcutta

High Court ignoring the fact that no part of the cause of action had arisen within the jurisdiction of that Court. It clearly shows that the litigation filed

in the Calcutta High Court was thoroughly unsustainable.

16. In *Union of India v. Adani Exports Ltd.*⁸ it was 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.

17. Recently, in *National Textile Corpn. Ltd. v. Haribox Swalram*⁹ a Division Bench of this Court held: (SCC p. 797, para 12.1)

12.1. As discussed earlier, the mere fact that the writ petitioner carries on business at Calcutta or that the reply to the correspondence made by it

was received at Calcutta is not an integral part of the cause of action and, therefore, the Calcutta High Court had no jurisdiction to entertain the

writ petition and the view to the contrary taken by the Division Bench cannot be sustained. In view of the above finding, the writ petition is liable to

be dismissed.

18. The facts pleaded in the writ petition must have a nexus on the basis whereof a prayer can be granted. Those facts which have nothing to do

with the prayer made therein cannot be said to give rise to a cause of action which would confer jurisdiction on the Court.

9. In *Rajendran Chingaravelu*¹ the Supreme Court held as under:

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.

10. In *Rajasthan High Court Advocates Association*², the High Court observed as under:

17. The expression ""cause of action"" has acquired a judicially-settled meaning. In the restricted sense cause of action means the circumstances

forming the infraction of the right or the immediate occasion for the action In the wider sense, it means the necessary conditions for the maintenance

of the suit, including not only the infraction of the right, but the infraction coupled with the right itself. Compendiously the expression 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. Every fact which

is necessary to be proved, as distinguished from every piece of evidence which is necessary to prove each fact, comprises in ""cause of action"". It

has to be left to be determined in each individual case as to where the cause of action arises.

11. In *Ambica Industries v. Commissioner of Central Excise*¹⁰, the Supreme Court observed as under:

17. There cannot be any doubt whatsoever that in terms of Article 227 of the Constitution of India as also Clause (2) of Article 226 thereof, the

High Court would exercise its discretionary jurisdiction as also power to issue writ of certiorari in respect of the orders passed by the subordinate

courts within its territorial jurisdiction or if any cause of action has arisen therewithin but the same tests cannot be applied when the appellate court

exercises a jurisdiction over a tribunal situated in more than one State. In such a situation, in our opinion, the High Court situated in the State where

the first court is located should be considered to be the appropriate Appellate Authority. The CPC did not contemplate such a situation. It

provides for jurisdiction of each court. Even a District Judge must exercise its jurisdiction only within the territorial limits of a State. It is

inconceivable under the CPC that the jurisdiction of the District Court would be exercisable beyond the territorial jurisdiction of the district, save

and except in such matters where the law specifically provides therefor.

40. Although in view of Section 141 of the CPC the provisions thereof would not apply to writ proceedings, the phraseology used in Section 20(c)

of the CPC 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 material facts. The expression

material facts is also known as integral facts.

41. Keeping in view the expression ""cause of action"" used in Clause (2) of Article 226 of the Constitution of India, indisputably even if a small

fraction thereof accrues within the jurisdiction of the Court, the Court will have jurisdiction in the matter though the doctrine of forum conveniens

may also have to be considered.

12. In A.B.C. Laminart Pvt. Ltd. & Another v. A.P. Agencies, Salem¹¹, the Supreme Court observed as under:

12. A cause of action means every fact, which if traversed, it would be necessary for the plaintiff to prove in order to support his right to a

judgment of the court. In other words, it is a bundle of facts which taken with the law applicable to them gives the plaintiff a right to relief against

the defendant. It must include some act done by the defendant since in the absence of such an act no cause of action can possibly accrue. It is not

limited to the actual infringement of the right sued on but includes all the material facts on which it is founded. It does not comprise evidence

necessary to prove such facts, but every fact necessary for the plaintiff to prove to enable him to obtain a decree. Everything which if not proved

would give the defendant a right to immediate judgment must be part of the cause of action. But it 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.

13. In Laxman Prasad v. Prodigy Electronics Ltd. & Another¹², the Supreme Court observed as under:

29. According to the appellant, since the terms and conditions in the agreement have to be interpreted in accordance with the laws of Hong Kong,

no court in any country other than a court in Hong Kong shall have jurisdiction to entertain a suit, petition, application or any other proceeding. The

submission of the respondent Company, on the other hand, is that what was agreed upon was not territorial jurisdiction of a court but applicability

of laws. Clause 18 deals with the second eventuality and declares that terms and conditions of the agreement would be interpreted in accordance

with the laws of Hong Kong.

30. We find considerable force in the submission of the learned counsel for the respondent Company. In our view, ""cause of action"" and

applicability of law"" are two distinct, different and independent things and one cannot be confused with the other. The expression ""cause of action

has not been defined in the Code. It is, however, settled law that every suit presupposes the existence of a cause of action. If there is no cause of

action, the plaint has to be rejected [Rule 11(a) of Order 7]. Stated simply, ""cause of action"" means a right to sue. It consists of material facts

which are imperative for the plaintiff to allege and prove to succeed in the suit. The classic definition of the expression (""cause of action"") is found in

the observations of Lord Brett in *Cooke v. Gill*. His Lordship stated:

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.

31. In *A.B.C. Laminates (Pvt) Ltd. v. A.P. Agencies*, this Court said:

12. A cause of action means every fact, which if traversed, it would be necessary for the plaintiff to prove in order to support his right to a

judgment of the court. In other words, it is a bundle of facts which taken with the law applicable to them gives the plaintiff a right to relief against

the defendant. It must include some act done by the defendant since in the absence of such an act no cause of action can possibly accrue. It is not

limited to the actual infringement of the right sued on but includes all the material facts on which it is founded. It does not comprise evidence

necessary to prove such facts, but every fact necessary for the plaintiff to prove to enable him to obtain a decree. Everything which if not proved

would give the defendant a right to immediate judgment must be part of the cause of action. But it 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.

(Emphasis supplied)

32. Now, Sections 16 to 20 of the Code deal with territorial jurisdiction of a court (place of suing). Whereas Sections 16 to 18 relate to

immovable property, suits for compensation for wrongs to persons or movables have been dealt with u/s 19. Section 20 of the Code is a residuary

provision and covers all cases not falling under Sections 16 to 19.

33. The relevant part of Section 20 reads thus:

20. Other suits to be instituted where defendants reside or cause of action arises.-Subject to the limitations aforesaid, every suit shall be instituted

in a court within the local limits of whose jurisdiction

(a) the defendant, or each of the defendants where there are more than one, at the time of the commencement of the suit, actually and voluntarily

resides, or carries on business, or personally works for gain; or

(b) any of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries

on business, or personally works for gain, provided that in such case either the leave of the court is given, or the defendants who do not reside, or

carry on business, or personally work for gain, as aforesaid, acquiesce in such institution; or

(c) the cause of action, wholly or in part, arises.

(Emphasis supplied)

46. Territorial jurisdiction of a court, when the plaintiff intends to invoke jurisdiction of any court in India, has to be ascertained on the basis of the

principles laid down in the Code of Civil Procedure. Since a part of "cause of action" has arisen within the local limits of Delhi as averred in the

plaint by the plaintiff Company, the question has to be considered on the basis of such averment. Since it is alleged that the appellant-defendant

had committed breach of agreement by using trade mark/trade name in Trade Fair, 2005 in Delhi, a part of cause of action has arisen in Delhi. The

plaintiff Company, in the circumstances, could have filed a suit in Delhi. So far as applicability of law is concerned, obviously as and when the suit

will come up for hearing, the Court will interpret the clause and take an appropriate decision in accordance with law. It has, however, nothing to

do with the local limits of the jurisdiction of the Court.

47. The High Court, in our opinion, was right in rejecting the application and in overruling preliminary objection. Since prima facie the plaintiff

disclosed a cause of action as also territorial jurisdiction of the Court, the High Court rightly rejected both the contentions and no error was

committed by it in not rejecting plaintiff, nor returning it for presentation to proper court.

14. The Supreme Court, in *Navinchandra N. Majithia v. State of Maharashtra & Others*¹³, it was observed as under:

17. From the provision in clause (2) of Article 226 it is clear that the maintainability or otherwise of the writ petition in the High Court depends on

whether the cause of action for filing the same arose, wholly or in part, within the territorial jurisdiction of that Court.

18. In legal parlance the expression "cause of action" is generally understood to mean a situation or state of facts that entitles a party to maintain an

action in a court or a tribunal; a group of operative facts giving rise to one or more bases for suing; a factual situation that entitles one person to

obtain a remedy in court from another person. (Black's Law Dictionary)

19. In *Stroud's Judicial Dictionary* a "cause of action" is stated to be the entire set of facts that gives rise to an enforceable claim; the phrase

comprises every fact, which, if traversed, the plaintiff must prove in order to obtain judgment.

20. In "Words and Phrases" (4th Edn.) the meaning attributed to the phrase "cause of action" in common legal parlance is existence of those facts

which give a party a right to judicial interference on his behalf.

21. A Bench of three learned Judges of this Court in the case of *Oil and Natural Gas Commission v. Utpal Kumar Basu* considered at length the

question of territorial jurisdiction under Article 226(2) of the Constitution of India. Some of the relevant observations made in the judgment are

extracted hereunder:

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 or authority or the

residence of such person is not within those territories. On a plain reading of the aforesaid two clauses of Article 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 is issued is not 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. This 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: `...

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 ground 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 inquiry 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 paragraphs 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.

(Emphasis supplied)

27. Tested in the light of the principles laid down in the cases noted above the judgment of the High Court under challenge is unsustainable. The

High Court failed to consider all the relevant facts necessary to arrive at a proper decision on the question of maintainability of the writ petition, on

the ground of lack of territorial jurisdiction. The Court based its decision on the sole consideration that the complainant had filed the complaint at

Shillong in the State of Meghalaya and the petitioner had prayed for quashing the said complaint. The High Court did not also consider the

alternative prayer made in the writ petition that a writ of mandamus be issued to the State of Meghalaya to transfer the investigation to Mumbai

Police. The High Court also did not take note of the averments in the writ petition that filing of the complaint at Shillong was a mala fide move on

the part of the complainant to harass and pressurise the petitioners to reverse the transaction for transfer of shares. The relief sought in the writ

petition may be one of the relevant criteria for consideration of the question but cannot be the sole consideration in the matter. On the averments

made in the writ petition gist of which has been noted earlier it cannot be said that no part of the cause of action for filing the writ petition arose

within the territorial jurisdiction of the Bombay High Court.

36. It was the said decision of the Constitution Bench which necessitated Parliament to bring the Fifteenth Amendment to the Constitution by which

clause (1-A) was added to Article 226. That clause was subsequently renumbered as clause (2) by the Constitution Forty-Second Amendment.

Now clause (2) of Article 226 reads thus:

226. (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.

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 Subba 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.

38. "Cause of action" is a 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

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".

40. The Privy Council has noted in *Mohd. Khalil Khan v. Mahbub Ali Mian* that the aforesaid definition adopted by Lord Esher M.R. had been

followed in India. Even thereafter the courts in India have consistently followed the said interpretation without exception for understanding the

scope of the expression "cause of action".

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 *Oil and Natural Gas Commission 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.

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.

15. Admittedly, looking into the relief clause i.e. seeking a command to the NCVT, Government of India, New Delhi to issue National Trade

Certificate to the petitioner in the trade of Electrician, arises from the cause of action when as prayed by the petitioner, the petitioner passed trade

test on completion of his training at ITI, Belganganagar, Tahsil Chalisgaon, District Jalgaon, Maharashtra. The office of the NCVT is located in

New Delhi. Thus, all the materials taken together make a cause of action as defined in a catena of decisions by the Supreme Court, as aforesaid.

The petitioner made an application for appointment on the post of Assistant Loco Pilot in Delhi Metro and the candidature of the petitioner could

not be considered for want of National Trade Certificate, is not a part of the cause of action involved in the instant case. It is a second cause of

action, and the same is not under challenge in this petition. Requirement of National Trade Certificate by the Delhi Metro for consideration for

appointment on the post of Assistant Loco Pilot is not questioned in this petition. Thus, the facts, forming cause of action in this petition, are very

clear that the petitioner was admitted to ITI, Belganganagar, Tahsil Chalisgaon, Maharashtra, which has not been arrayed as a respondent in this

petition. Secondly, thereafter, the NCVT i.e. the respondent No. 3 which conducted the trade test, has not issued the National Trade Certificate

for which the instant petition has been filed. It is not a case that even a part of cause of action has arisen within the territorial jurisdiction of the High

Court of Chhattisgarh. Thus, under Article 226 of the Constitution of India, this Court may not exercise jurisdiction in relation to cause of action

which wholly or in part, arose outside the territorial jurisdiction of this Court.

16. Reliance of learned counsel for the petitioner on Rajendran Chingaravelu¹ and Rajasthan High Court Advocates Association² are of no avail

to the petitioner as in those cases, a part of cause of action arose within the territorial jurisdiction of the concerned High Court. In order to invoke

the jurisdiction, it has further been settled by the Supreme Court that the cause of action depends on each individual case.

17. Applying the well settled principles of law on the territorial jurisdiction of the High Court in exercise of its jurisdiction to the facts of the case

wherein not even a part of cause of action has arisen within the territorial jurisdiction of this High Court, no writ/direction may be issued by this

Court.

18. Resultantly, the writ petition is dismissed for want of jurisdiction. However, on the request of learned counsel appearing for the petitioner,

liberty is reserved to take recourse to appropriate forum as available under the provisions of law, if so advised.

19. No order as to costs.