
(2016) 02 KL CK 0055
In the High Court Of Kerala
Case No : W.P.(C) No. 30342 of 2014 (P)

G. Madhavan Nair

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 10-02-2016

Acts Referred:

Constitution of India, 1950 — Article 226, Article 226(2)
Extradition Act, 1962 — Section 21

Citation : (2016) 2 ILRKerala 300 : (2016) 1 KerLJ 720 : (2016) 1 RSJ 632 :
(2016) 3 SCT 199

Hon'ble Judges : K. Vinod Chandran, J.

Bench : Single Bench

Advocate : P. Ramakrishnan, Preethi Kesavan, T.C. Krishna, C. Anil Kumar, Asha K. Shenoy and Pratap Abraham Varghese, Advocates, for the Appellant; G. Rajagopalan, Additional Solicitor General of India and T.P.M. Ibrahim Khan, Senior Counsel, for the Respondent

Final Decision : Dismissed

Judgement

K. Vinod Chandran, J.—1. The petitioner is an eminent Scientist, who worked in the Department of Space from its very inception in the year 1972 and headed the Indian Space Research Organisation [for brevity "ISRO"] as its Chairman for about half-a-dozen years. The petitioner has been honoured with doctorates by Universities and decorated by the Country itself. The petitioner challenges Exhibits P1, P2 and P3 orders which so to say, placed him in the dock and blacklisted him from any Governmental engagement. The issue assumes poignancy, since the Space programme is the most prestigious initiative in any developing or developed country of today's world; for reasons of the significant ramification it has on the defence of the Country and the tantalizing temptation it offers in unraveling the secrets of the beyond; often termed as the next frontier of mankind. The report at Exhibit P1 and the orders at Exhibits P2 and P3 are issued on the ground that an agreement entered into with a private company has been done in such manner as to cast a shadow on the post the petitioner

occupied, which directly reflects on his persona and credibility.

2. The Central Government has filed a detailed counter affidavit; but, however, demurred through the learned Additional Solicitor General of India, Sri. G. Rajagopalan, insofar as conceding to the jurisdiction of this Court, since no part of the cause of action arose within the State. The learned Counsel appearing for the petitioner Sri. P. Ramakrishnan, however, sought to sustain the writ petition before this Court itself; on the words employed in Article 226(2) of the Constitution of India and the binding precedents on this point. This Court heard both learned Counsel on the issue of maintainability and reserved the issue for consideration. For the present, this Court is saved from looking into the unpleasant facts, for reason of the parties having consented to the question of maintainability being answered first. It goes without saying, that, if the answer is against the petitioner, the writ petition would stand dismissed and if it is held in his favour, the matter would have to be heard fully.

3. The petitioner had retired from service on 31.10.2009 as Chairman of ISRO and was, thereafter, awarded the position of Vikram Sarabhai Distinguished Professor in the Department of Space/ISRO as per Exhibit P4 for a period of four years. The same stood terminated by Exhibit P3. The Professorship was awarded by the Department of Space, Government of India from its office at Bangalore, within the State of Karnataka, and the tenure was to be spent in Bangalore itself, from where the termination too was effected. Exhibit P2 was the direct cause of Exhibit P3, since the Department of Space, considering the report of the Committees, which examined the controversial agreement entered into, directed that the four officers, one of whom being the petitioner, be divested of any current assignment/consultancy and they be excluded from re-employment, inclusion in Committees and any other important role under the Government. Exhibit P1 is the report based on which Exhibit P2 has been issued. The petitioner would contend that the petitioner was never issued with Exhibit P1 or P2 and that the same were available in the website of the Department, which he happened to be confronted with, at his residence at Thiruvananthapuram, to which place he had retired after being divested of the Professorship. The petitioner being a native of the State of Kerala and having his permanent residence at Kerala, is entitled to invoke the jurisdiction of this Court, is the contention.

4. The legal question of maintainability alone arising preliminarily for consideration, this Court would first look into the precedents placed on record by the learned Counsel. The learned Counsel for the petitioner would place reliance on Lt. Col. Khajoor Singh v. Union of India [, AIR 1961 SC 532] and Nawal Kishore Sharma v. Union of India [, (2014) 9 SCC 329], both of the Hon'ble Supreme Court. Two decisions of the Division Bench of this Court relied on by the petitioner are Officer-in-Charge, Army Medical Corps Records and Others v. Rajesh. U [2009 (4) KHC 395] and Sukumar N. Oommen v. Secretary to the Government of India and Another [, 2012 (3) KHC 430]. The learned Assistant Solicitor General would place reliance on Oil & Natural Gas commission v. Utpal

Kumar Basu [, (1994) 4 SCC 711], C.B.I. Anti-Corruption Branch v. Narayan Diwakar [, (1999) 4 SCC 656], Union of India v. Adani Exports Ltd. [, (2002) 1 SCC 567], Kusum Ingots & Alloys Ltd. v. Union of India [, (2004) 6 SCC 254], and Addl. General Manager - Human Resource, Bharat Heavy Electricals Ltd. v. Suresh Ramkrishna Burde [, (2007) 5 SCC 336].

5. Lt.Col.Khajoor Singh (supra) is a decision rendered on Article 226 of the Constitution, prior to the amendment, by which clause (2) was introduced. Article 226 as it stood originally did not import the principle of "cause of action" and, hence, the jurisdiction of a High Court was held to be impossible of invocation on the basis of any part of cause of action having arisen within the jurisdiction of a particular High Court. Article 226 was held to be possible of invocation only against persons/authorities whose presence had to be found within the territories in relation to which the High Court exercises jurisdiction. The aforesaid decision was cited only to bring out the stark distinction made by introduction of clause (2) to Article 226, which permitted a High Court to issue directions, orders or writs to any Government, authority or person who resides outside the territorial jurisdiction of the High Court, in cases where the cause of action wholly or in part arises within such territories. Nawal Kishore Sharma (supra) is strongly relied on by the petitioner to urge the contention of jurisdiction and the same being the latest decision of the Hon'ble Supreme Court, of the few cited, would be dealt with later.

6. Rajesh. U (supra) was an appeal to the Division Bench from a judgment of the learned Single Judge of this Court, wherein there was a direction to the Government to consider and pass orders on a revision filed by the petitioner. In appeal, for the first time the question of jurisdiction was taken. The Division Bench found that since Union of India functions throughout the territory of India, its inaction in relation to an appeal filed from the State of Kerala, would confer jurisdiction on this Court. The further objections were with respect to there being available no remedy of revision before the Central Government and the impossibility of being afforded a personal hearing to the petitioner. This Court found that even if no revision is available, the Government could direct consideration if the facts reveal grounds for intervention. The necessity for a personal hearing was also taken away. The Division Bench has not noticed any facts arising in the case and this Court also does not find any binding precedent in the aforesaid decision. There can also be no reliance placed on the said decision since the issue has been answered in the negative by a Full Bench of this Court in Indian Maritime University v. Viswanathan [2014 (4) KLT 798 (F.B.)].

7. Sukumar N. Oommen (supra) was again a decision by a Division Bench of this Court, which invoked the jurisdiction under Article 226 since the Central Government, acting from New Delhi, sought for recovery of certain sums paid to the petitioner while he was serving as the Chairman and Managing Director of the Madras Fertilizers Ltd. in Chennai. The recovery notice itself was issued against the petitioner, who was spending his retired life in Kerala, which could be

executed only against his assets situated in the State of Kerala. The said decision would also, on facts, be liable to be distinguished.

8. Now we come to the decisions placed on record by the learned Assistant Solicitor General. Narayan Diwakar (*supra*) was an officer of the Indian Administrative Service, who was officiating as Collector of Daman and then transferred to Arunachal Pradesh. Even prior to the transfer, three First Information Reports were lodged by the Central Bureau of Investigation, at Bombay. The Superintendent of Police, CBI, Anti-Corruption Bureau, Bombay issued a wireless message to the Chief Secretary, Arunachal Pradesh to advise the IAS Officer to meet the Inspector of Police, CBI, ACB, Bombay in connection with the investigation of one of the FIRs. The IAS Officer challenged the same before the High Court at Guwahati, which invoked its jurisdiction under Article 226(2) and quashed the summons. The Supreme Court considered the matter on the question of jurisdiction after the appeal was dismissed at the admission stage by the Division Bench of the High Court. Before the Hon''ble Supreme Court, the IAS Officer agreed to approach the appropriate High Court, untrammelled by any observations made by the Guwahati High Court. Despite the fact that the appeal was allowed on consent, the Hon''ble Supreme Court held that the Guwahati High Court was clearly in error in deciding the question of jurisdiction in favour of the officer.

9. ONGC (*supra*), through its consultant, Engineers India Ltd. (EIL), brought out an advertisement calling for tenders to set up a Kerosene Recovery Processing Unit at Hazira Complex in Gujarat. The respondent, based in Calcutta, came to know of the floating of such tender from a newspaper circulated within the territorial jurisdiction of the Calcutta High Court; applied for the same and later on being denied of consideration, approached the Calcutta High Court against the grant sought to be made in favour of another tenderer. Assuming jurisdiction, the High Court passed an order in favour of the petitioner, which was challenged by the ONGC before the Hon''ble Supreme Court. The grounds on which the tenderer sought to maintain the writ petition before the High Court of Calcutta were that the tenderer came to know of the tender through the newspaper published in Calcutta, submitted its tender and revised price bid from its Registered Office at Calcutta and had made representations to various authorities and agencies with respect to the defect in the tender process from the State of West Bengal. The Hon''ble Supreme Court found that the said facts pleaded in the writ petition in support of the cause of action should be considered without embarking upon an enquiry about the correctness or otherwise of the said facts. The settled meaning of the expression "cause of action" being the bundle of facts which the petitioner must prove, if traversed, to entitle him to a judgment in his favour; was referred to. On that principle it was found that none of the facts pleaded to invoke the jurisdiction constitute facts forming an integral part of the cause of action. The fact that the advertisement was read in Calcutta and that the tender and related messages were sent from Calcutta were found to be irrelevant insofar as considering the issue raised in the *lis*. The three Judge

Bench of the Hon'ble Supreme Court came down very heavily on the Calcutta High Court, as is seen from paragraph 12 of the aforesaid judgment.

"12. Pointing out that after the issuance of the notification by the State Government under Section 52(1) of the Act, the notified land became vested in the State Government free from all encumbrances and hence it was not necessary for the respondents to plead the service of notice under Section 52(2) for the grant of an appropriate direction or order under Article 226 for quashing the notification acquiring the land. This Court, therefore, held that no part of the cause of action arose within the jurisdiction of the Calcutta High Court. This Court deeply regretted and deprecated the practice prevalent in the High Court of exercising jurisdiction and passing interlocutory orders in matters where it lacked territorial jurisdiction. Notwithstanding the strong observations made by this Court in the aforesaid decision and in the earlier decisions referred to therein, we are distressed that the High Court of Calcutta persists in exercising jurisdiction even in cases where no part of the cause of action arose within its territorial jurisdiction. It is indeed a great pity that one of the premier High Courts of the country should appear to have developed a tendency to assume jurisdiction on the sole ground that the petitioner before it resides in or carries on business from a registered office in the State of West Bengal. We feel all the more pained that notwithstanding the observations of this Court made time and again, some of the learned Judges continue to betray that tendency. Only recently while disposing of appeals arising out of SLP Nos. 10065-66 of 1993, *Aligarh Muslim University v. Vinay Engineering Enterprises (P) Ltd.* [(1994) 4 SCC 710], this Court observed:

"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."

In that case, the contract in question was executed at Aligarh, the construction work was to be carried out at Aligarh, the contracts provided that in the event of dispute the Aligarh court alone will have jurisdiction, the arbitrator was appointed at Aligarh and was to function at Aligarh and yet merely because the respondent was a Calcutta-based firm, it instituted proceedings in the Calcutta High Court and the High Court exercised jurisdiction where it had none whatsoever. It must be remembered that the image and prestige of a court depends on how the members of that institution conduct themselves. 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".

10. Adani Exports Ltd. (supra) invoked the jurisdiction of the Gujarat High Court, claiming the benefit of a scheme introduced under the Import Export Policy on grounds that they carried on the business from Ahmedabad, their order of export and import were placed from Ahmedabad, the documents and payments for exports and imports were made at Ahmedabad. The credit of duty, claimed in respect of exports, were handled from Ahmedabad, the denial of credit in the passbook under the Scheme would affect the business carried out at Ahmedabad and the guarantee agreement was also executed at Ahmedabad. It was held that each and every fact pleaded in an application does not ipso facto lead to a conclusion that those facts give rise to a cause of action unless those facts are facts which have a nexus or relevance with the lis involved in the case. The facts which have no bearing with the lis or the dispute involved, as was held in ONGC (supra) also; was held to be not a "cause of action" so as to confer territorial jurisdiction on the Court concerned. It was held so in paragraph 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".

11. Kusum Ingots & Alloys Ltd. (supra), a Company having its Registered Office at Mumbai, obtained a loan from Bhopal and challenged the vires of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act") before the Delhi High Court when proceedings were taken by the creditor Bank under the said Act. The jurisdiction of the Delhi High Court was invoked on the ground that the seat of the Union Government was in Delhi and the High Court of Delhi has the requisite jurisdiction. The Hon'ble Supreme Court found that the jurisdiction of a High Court cannot be invoked to determine a Constitutional question in a vacuum and the same has to be agitated before the High Court, within whose territorial jurisdiction, the injury was occasioned.

12. Nawal Kishore Sharma (supra) was heavily relied on by the petitioner, the facts of which have to be noticed. The appellant was a seaman, registered as

such by the Department of Shipping, Government of India, at Mumbai. He was declared unfit for sea faring activities due to his heart condition and his registration was cancelled. On being so discharged, the appellant settled down at his native place, within the State of Bihar, and made representations raising financial claims, as per the statutory provisions and the terms of the contract. The disability compensation claim was answered by the official respondents pointing out his entitlement to severance compensation; but declining any disability compensation as such, which, according to the official respondents, was an entitlement to persons who were disabled in the course of seafaring activities. The dismissal of the writ petition by the High Court of Patna was found to be bad, on the specific facts arising in the aforesaid case. It is also pertinent that the Hon"ble Supreme Court also relied on two of its earlier decisions in *Om Prakash Srivastava v. Union of India* [, (2006) 6 SCC 207] and *Rajendran Chingaravelu v. R.K. Mishra* [, (2010) 1 SCC 457], to draw support. Pausing here for a moment, the said decisions are also to be examined.

13. *Om Prakash Srivastava* (supra) was a case in which the appellant was extradited on the basis of a treaty; the violation of which was one of the grounds on which the jurisdiction of the Delhi High Court was invoked. The appellant had contended that he was facing trial in 8 cases, which was in complete violation of the provisions of Section 21 of the Extradition Act, 1962 and he was kept in solitary confinement without proper medical care in the Central Jail within the State of Uttar Pradesh. The Delhi High Court observed that the issue of conditions of prisoners in the State of Uttar Pradesh could be more effectively dealt with by the Allahabad High Court and rejected the writ petition. The Hon"ble Supreme Court found that the Delhi High Court ought to have dealt with the question whether it has jurisdiction to deal with the writ petition. The observation of the Delhi High Court was found to be of effect that though there is no absolute lack of jurisdiction, but the grievances could be dealt with more effectively by the other High Court. It was only in such circumstance that the Hon"ble Supreme Court found that it was not a correct way of dealing with the aspect of jurisdiction and remanded the matter to the High Court at Delhi for consideration.

14. *Rajendran Chingaravelu* (supra) was a case in which the appellant approached the Andhra Pradesh High Court and the official respondents took a contention that the seizure of cash, which led to the proceedings under the Income Tax Act, 1961 and eventually the writ petition, took place at the Airport at Chennai and hence the Andhra Pradesh High Court did not have the jurisdiction. The Hon"ble Supreme Court found that the appellant had travelled to Chennai from Hyderabad and he had disclosed the cash carried by him to the security personnel at the boarding point and the subsequent seizure at Chennai was on the basis of the information passed on by the officials of the Airport at Hyderabad. The consequential income-tax proceedings were also initiated at Hyderabad and, hence, the writ petition was found to be maintainable before the Andhra Pradesh High Court itself. Both these decisions indicate that the facts

pleaded to invoke the jurisdiction of the respective High Courts had an inextricable link with the lis and they form an integral part of the facts which had to be proved by the petitioner-litigant to get a judgment in his favour. Those inextricable facts having occurred within the territorial jurisdiction of the respective High Courts, the said High Courts were said to have jurisdiction to deal with the issue under Article 226(2) of the Constitution of India.

15. Coming back to Nawal Kishore Sharma (supra), the Hon"ble Supreme Court found that the cancellation of registration of the appellant as a seaman was sent to the appellant in his native address at Bihar. The appellant had sent representations from his home at Bihar and the rejections were also communicated to him in his residential address. The communication of refusal of disability compensation was received by him in the State of Bihar, which was a fraction of the cause of action which was said to arise within the jurisdiction of the Patna High Court. It was also found that on issuance of notice by the Patna High court, the respondents had appeared before the High Court and participated in the proceedings. After hearing Counsel for both sides, the High Court passed an interim order directing payment of Rs. 2,75,000/-, which was remitted by the respondent-Shipping Corporation of India to the bank account of the appellant. Only when the matter was taken up for final hearing, the High Court declined jurisdiction. It was only on consideration of the aforesaid facts peculiar to the case and also the interim order passed by the High Court, to which the respondent acquiesced, that the Patna High Court was found to have jurisdiction.

16. However, in the instant case, this Court is of the opinion that the facts distinguishes it from Nawal Kishore Sharma (supra). In Nawal Kishore Sharma (supra) itself another decision of the Hon"ble Supreme Court in State of Rajasthan v. Swaika Properties [, (1985) 3 SCC 217] was referred to. There again, the Calcutta High Court had invoked jurisdiction under Article 226 with respect to acquisition of land which occurred in the State of Rajasthan. Paragraph 8 of the said decision is apposite for reference here:

"The expression "cause of action" is tersely defined in Mulla's Code of Civil Procedure:

"The "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. The mere service of notice under Section 52(2) of the Act on the respondents at their registered office at 18-B, Brabourne Road, Calcutta i.e. within the territorial limits of the State of West Bengal, could not give rise to a cause of action within that territory unless the service of such notice was an integral part of the cause of action. The entire cause of action culminating in the acquisition of the land under Section 52(1) of the Act arose within the State of Rajasthan i.e. within the territorial

jurisdiction of the Rajasthan High Court at the Jaipur Bench. 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. The Notification dated 8.2.1984 issued by the State Government under Section 52(1) of the Act became effective the moment it was published in the Official Gazette as thereupon the notified land became vested in the State Government free from all encumbrances. It was not necessary for the respondents to plead the service of notice on them by the Special Officer Town Planning Department, Jaipur under Section 52(2) for the grant of an appropriate writ, direction or order under Article 226 of the Constitution for quashing the notification issued by the State Government under Section 52(1) of the Act. If the respondents felt aggrieved by the acquisition of their lands situate at Jaipur and wanted to challenge the validity of the notification issued by the State Government of Rajasthan under Section 52(1) of the Act by a petition under Article 226 of the Constitution, the remedy of the respondents for the grant of such relief had to be sought by filing such a petition before the Rajasthan High Court, Jaipur Bench, where the cause of action wholly or in part arose".

17. Reference can also be usefully made to paragraphs 20, 21 and 22 of *Kusum Ingots & Alloys Ltd.* (supra):

"20. A distinction between a legislation and executive action should be borne in mind while determining the said question.

21. A parliamentary legislation when it receives the assent of the President of India and is published in the Official Gazette, unless specifically excluded, will apply to the entire territory of India. If passing of a legislation gives rise to a cause of action, a writ petition questioning the constitutionality thereof can be filed in any High Court of the country. It is not so done because a cause of action will arise only when the provisions of the Act or some of them which were implemented shall give rise to civil or evil consequences to the petitioner. A writ court, it is well settled, would not determine a constitutional question in a vacuum.

22. The Court must have the requisite territorial jurisdiction. An order passed on a writ petition questioning the constitutionality of a parliamentary Act, whether interim or final keeping in view the provisions contained in clause (2) of Article 226 of the Constitution of India, will have effect throughout the territory of India subject of course to the applicability of the Act".

18. Herein, definitely it is an executive action which is challenged by the petitioner. Exhibit P1 is the report of a High Level Team, with respect to an agreement entered into between M/s. Antrix Corporation Limited, a subsidiary of ISRO, and M/s. DEVAS Multimedia Private Limited, which resulted in Exhibits P2 and P3. The agreement, which was the subject matter of the enquiry by the High Level Team, was not entered into within the jurisdiction of this High Court; nor

did any of the consequences of the agreement arise within this jurisdiction. The High Level Team concluded in Exhibit P1 that there have been serious administrative and procedural lapses and also there is a collusive behaviour on the part of certain individuals who were involved with the execution of the agreement. No part of the enquiry at any time extended to any incident which occurred within the State of Kerala and the enquiry was carried out, outside the jurisdiction of this Court. Exhibits P2 and P3 are identically dated and was, hence, issued on the same day. Exhibit P3, in fact, was the consequence of Exhibit P2. Exhibit P2 was the order which directed the petitioner, along with three others, to be divested of the current assignments with the Government, as a consequence of which Exhibit P3 was issued terminating the Professorship with the Department of Space. As was noticed at the outset, the Professorship was to be carried on in Bangalore under the Department of Space/ISRO and the order too was served on the petitioner at Bangalore. In such circumstance, definitely Exhibit P3 cannot be challenged before this Court, since none of the facts leading to conferment of a cause of action on the petitioner could be traced to anywhere within the territorial jurisdiction of this High court. The residence of the petitioner is inconsequential and is not a fact, if traversed, the petitioner would be liable to prove, to obtain a favourable judgment.

19. As far as Exhibit P1 and P2, the contention raised by the petitioner is that the petitioner was made aware of the same through the website at his native place within the State of Kerala and that these created a disability on the petitioner from any further engagement with the Governments throughout the territory of India and he being so aggrieved, could raise the contention before the High Court of Kerala. Immediately it is to be noticed that the petitioner has not pleaded that the disability created on him by Exhibit P2, has divested him of any post or even an opportunity for such an engagement within the State of Kerala. The mere fact that the petitioner was made aware of Exhibit P1 & P2, only through the website, at Kerala would not be sufficient to confer jurisdiction. To assume jurisdiction on such a pleading would be specious, since then, with the accessibility to the website through the internet, the petitioner could as well plead that the same was accessed anywhere in India to confer jurisdiction in any High Court within the territories of India. The report of the High Level Team and Exhibits P2 and P3 have an inextricable link and the "cause of action" arose for the petitioner, on his being served with the order at Exhibit P3, which he would have to take recourse by a writ petition filed before the High Court within whose jurisdiction such cause of action or any other arose.

20. In this context, useful reference can be made to Suresh Ramkrishna Burde (supra), who was terminated from service from Hyderabad for reason of the Scrutiny Committee at Nagpur having invalidated the Caste Certificate on which basis he obtained employment, on reservation. Apposite would be reference to paragraph 15:

"Before parting with the case we would like to observe that the order invalidating

the caste certificate had been passed by the Scrutiny Committee at Nagpur and, therefore, the earlier two writ petitions filed by the respondent were maintainable before the Nagpur Bench of the Bombay High Court. However, in the third and final writ petition the order under challenge was the order of termination of service which was passed by the appellant on 16.7.2004 at Hyderabad as the respondent was working with Bharat Heavy Electrical Ltd.'s Heavy Power Equipment Plant, Hyderabad. Therefore, the Nagpur Bench of the Bombay High Court had no jurisdiction to entertain the writ petition wherein challenge was raised to the said order. However, in order to cut short the litigation and settle the controversy we have decided the case on merits".

The Hon"ble Supreme Court held that though the invalidation of the caste certificate could have been challenged before the Nagpur Bench of the Bombay High Court, the consequential termination passed at Hyderabad could have only been agitated before the High Court of Andhra Pradesh. This Court is unable to find any part of the cause of action in the case of the petitioner herein having arisen within the jurisdiction of this Court. In such circumstance, there would be absolutely no reason why this Court should go into the facts.

21. The petitioner, as is seen from the records, has been consistently knocking at the wrong doors, since he had earlier approached the Central Administrative Tribunal, Ernakulam Bench, which jurisdiction was declined for reason of the petitioner, when served with Ext. P3; found to be not holding a civil post under the Union. The Division Bench of this Court also confirmed the view of the Tribunal. This Court would notice these facts only since the learned Assistant Solicitor General had, at the commencement of the proceedings itself, raised the question of jurisdiction with a certain amount of deferment for having had to raise a technical objection of jurisdiction. Despite the drastic consequences visited on the petitioner, who had led many Space projects of the country and had been decorated with "Padma Bhooshan" and "Padma Vibhooshan"; that alone would not enable this Court to assume jurisdiction, where there is none. Technicalities too have its own role to play as was noticed by the Hon"ble Supreme Court coming down heavily on the conduct of a High Court, with strong words. It would not be proper for this Court to brush aside a ground of lack of jurisdiction merely on the finding of the same to be a technical ground. It is not as if the petitioner does not have a remedy before the appropriate forum and this Court having not examined any facts leading to the impugned orders, the petitioner would not be curtailed in invoking such remedy before the appropriate Court.

The writ petition would stand rejected for reason of lack of jurisdiction. Parties are directed to suffer their respective costs.