

(2002) 10 AHC CK 0078

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 38580 of 2002

Noopur

APPELLANT

Vs

Joint Secretary, Central Board of Secondary Education and
Others

RESPONDENT

Date of Decision : 01-10-2002

Acts Referred:

Constitution of India, 1950 — Article 226, 226(2)

Citation : (2003) 1 UPLBEC 492

Hon'ble Judges : S.P. Mehrotra, J

Bench : Single Bench

Advocate : M.P. Singh and M.K. Siddqui, for the Appellant; H.N. Pandey, for the Respondent

Final Decision : Dismissed

Judgement

S.P. Mehrotra, J.—This writ petition has been filed by the petitioner under Article 226 of the Constitution of India, inter alia, alleging that the petitioner is the student of High School in State of Bihar at Green Field English School, New Area, Vishar Talab, Gaya; and that grievance of the petitioner is that she is not being permitted to appear in High School Examination which is going to be held in March, 2003; and that the concerned authorities of Green Field English School, New Area, Vishar Talab, Gaya (Respondent Nos. 3 and 4) are demanding Rs. 6,000/- as donation for the school for which neither they are authorized nor the petitioner is ready to give them donation; and that the Respondent Nos. 3 and 4 are demanding the said donation money as fee for appearing in High School Examination; and that the petitioner's father gave an application dated 19.8.2002 to the Director of Green Field English School, New Area, Vishar Talab, Gaya where the petitioner is regular student of Class X; and that the petitioner's father also sent an application to the Director of Green Field English School, New Area, Vishar Talab, Gaya for the same purpose as he sent the application on dated 19.8.2002 and its reminder has been sent by registered post on dated

24.8.2002; and that the petitioner sent a registered application to the Chairman of C.B.S.E. Board, New Delhi on dated 24.8.2002, but the petitioner did not get any response; and the petitioner's father approached the Regional Office of the C.B.S.E. Board situated at Allahabad which controls the State of Bihar also; and that the petitioner's father talked with the authorities at the Regional Office; and that the petitioner's father gave application to the Joint Secretary of C.B.S.E. Board, Regional Office, Allahabad on dated 6.9.2002.

Article 226(2) of the Constitution of India provides as follows :

"Power of High Courts to issue certain writs, Article 226.-

(1).....

(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)....."

2. Therefore, this Court will have jurisdiction under Article 226 of the Constitution of India if the cause of action wholly or in part arises within the State of UP, even if the seat of the Government or authority or the residence of the person (to whom writ, direction or order is being issued) is outside the State of U.P.

3. A perusal of the allegations made in the writ petition shows that the grievance of the petitioner, if any, has arisen in the State of Bihar on account of the alleged action of the authorities of Green Field English School, New Area, Vishar Talab, Gaya located in the State of Bihar. Thus, the cause of action, if any, has arisen to the petitioner in the State of Bihar. No part of cause of action has arisen to the petitioner in the State of UP. Merely because the petitioner's father approached the authorities of the Regional Office situated at Allahabad or moved an application before the said Regional Office would not give rise to any part of action within the State of U.P. The petitioner is not aggrieved by any action of the said Regional Office situated at Allahabad.

4. In the circumstances, this writ petition is not maintainable before this Court, and the same is liable to be dismissed.

5. The writ petition is accordingly dismissed without prejudice to the right of the petitioner to approach proper Court for redressal of her grievance, if any.

6. It is made clear that I have not considered the question of maintainability of the writ petition against Green Field English School, New Area, Vishar Talab, Gaya which appears to be a private institution.