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IN THE HIGH COURT OF ORISSA, CUTTACK

W.P.(C) No.11642 of 2026

(In the matter of an application under
Articles 226 and 227 of the Constitution of India)

Chandra Sekhar Sahu Petitioner

-Versus-

State of Odisha and others Opposite Parties

W.P.(C) No.11644 of 2026

Aswini Mohapatro Petitioner

-Versus-

State of Odisha and others Opposite Parties

W.P.(C) No.11646 of 2026

Khiramani Sabar Petitioner

-Versus-

State of Odisha and others Opposite Parties

W.P.(C) No.11648 of 2026

Ganapati Sahu Petitioner

-Versus-

State of Odisha and others Opposite Parties



W.P.(C) No.11653 of 2026

Sushree Madhusmita Behera Petitioner

-Versus-

State of Odisha and others Opposite Parties

Advocate for the parties

For Petitioner : Mrs. S. Jena, Sr. Adv.
assisted by
Ms. P. Jena, Advocate
(in all the writ petitions)

For Opposite Parties : Mr. M.K. Dash,
ASC

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 04.05.2026

S.K. Mishra, J.

1. The writ petitions, which are on board, having identical issues and on consent of learned Counsel for the parties, are taken up together and disposed of vide this common judgment. For brevity, W.P.(C) No.11642 of 2026 is taken up as lead case.



2. Heard Mrs. Jena, learned Senior Counsel for the Petitioner so also Mr. Dash, learned ASC, who accepts notice on behalf of Opposite Party No.1 and admits to have received copy of the writ petition.

3. The Petitioner, who claims himself to be a student of Dr. B.D. Jatti College of Education, Vijaypura in the State of Karnataka (Opposite Party No.4), has preferred the present writ petition with the following prayers:

“ PRAYER

*In the facts and circumstances of the case, the petitioner respectfully prays that the Hon'ble Court may graciously be pleased to admit this writ petition, issue notice to the Opp. Parties specifically to O.P. no. 2 to show cause as to why steps have not been taken on his representations to allow him to appear in the examination by changing the examination centre under annexure - 2 and 4 and if the Opp. Parties fail to show cause or shown insufficient cause, the Hon'ble Court upon hearing the parties may further be pleased **to issue a writ in the nature of mandamus or any other appropriate writ by directing the opposite parties to take immediate steps on the representations under annexure-2 and 4 within a stipulated period,***

And may be further pleased to pass such other order/orders, direction/directions as may be deemed expedient in the interest of justice;



And for this act of kindness as the petitioner is duty bound shall ever pray.”

(Emphasis supplied)

4. Mr. Dash, learned ASC raises the issue regarding maintainability of the writ petition on the ground of lack of territorial jurisdiction.

5. Mrs. Jena, learned Senior Counsel for the Petitioner, relying on the judgment of the High Court of Gujarat reported in 2022 SCC OnLine Guj 2569 ***(Bhavendra Hasmukhlal Patadia Vs. Union of India)*** submits, the Petitioner is a resident of village-Raghunath Nagar in the district of Rayagada, which comes under the territorial jurisdiction of this Court. In view of the principle of forum conveniens and provisions enshrined under Article 226 (2) of the Constitution of India, the writ petition would be maintainable before this Court. Hence, it would be apt to reproduce below the Article 226(2) of the Constitution of India for ready reference.

“226. Power of High Courts to issue certain Writs.(1)

xxx

xxx

xxx

xxxx

(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.”

(Emphasis supplied)

6. It is apparently clear from the said provision of the Constitution of India that the power conferred clause (1) 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 residence of such person is not within those territories.

7. As is revealed from the pleadings so also prayer made in the writ petition, the Petitioner, after completion of his B.Sc. course, decided to pursue B.Ed. Course in Hindi. Accordingly, he took admission in the year 2022 as a regular student in Dr. B.D. Jatti College of Education, Afzalpur Takke, Vijayapura in the State of Karnataka (Opposite Party No.4), which is allegedly run under the Dakhina Bharat Hindi Prachar Sabha, Chennai, affiliated to Government of India, Ministry of Education. The said course was for two years i.e. for 2022-24. Though the Petitioner has completed the course and paid the tuition



fees for both the years, after completion of course, he could not appear in the examination due to alleged health related issues in his family. Thereafter, when the situation in his family became stable, he approached the Authority through his Teacher Sri Jagannath Mishra by filing a representation to allow him to appear in the examination on 23.01.2025. Thereafter, a reminder was given to the Registrar, Dakhin Bharat Hindi Prachar Sabha, Chennai by the said Jagannath Mishra, who is a retired Hindi teacher, on behalf of the Petitioner, on 02.02.2026. As is revealed from both the said representations dated 23.01.2025 and 02.02.2026, as at Annexure-2 and Annexure-4 respectively, the same have been given by Mr. Jagannath Mishra, to the Registrar, Dakhin Bharat Hindi Prachar Sabha, Chennai, with a request to permit 5 students, including the Petitioner, to appear in B.Ed. examination by changing their examination centre.

8. A prayer has been made by the Petitioner in the writ petition to issue a writ in the nature of mandamus or any other appropriate writ by directing the Opposite Parties



to take immediate steps on the said representations under Annexures-2 and 4 within a stipulated period.

9. Admittedly, both the said representations have been given by Sri Jagannath Mishra, a retired Hindi teacher, on behalf of the Petitioner and similarly placed four other, who have also preferred the connected writ petitions on board with similar prayers, addressed to the Registrar, Dakhin Bharat Hindi Prachar Sabha, Madras (Opposite Party No.2). That apart, as is revealed from the averments made in the writ petition, there is no such mention as to how any cause of action arose partly within the territorial jurisdiction of this Court to exercise the power under Article 226(2) of the Constitution of India, only on the ground that the Petitioner is a resident of a village in the district of Rayagada, which comes under the territorial jurisdiction of this Court.

10. So far as the cause of action, which implies a right to sue, been judicially interpreted, inter alia, to mean every fact which would be necessary for the Plaintiff/Petitioner to prove, if traversed, in order to support his right to the judgment of the Court. In this regard it



would be apt to refer to the judgment of Supreme Court reported in (2004) 6 SCC 254 (***Kusum Ingots & Alloys Ltd. Vs. Union of India and another***). In ***Kusum Ingots*** (supra), referring to umpteen number of judgments of the Supreme Court, it was held that the facts pleaded in the writ petition must have a nexus on the basis where of 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. Paragraph No.13 to 18 of the said judgment in ***Kusum Ingots*** (supra), being relevant, are reproduced below.

“13. This Court in Oil and Natural Gas Commission case [(1994) 4 SCC 711] 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 [(1985) 3 SCC 217] 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 [(1994) 4 SCC 711] . 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. [(1994) 4 SCC 710] 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. [(2002) 1 SCC 567] 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 [(2004) 9 SCC 786 : JT (2004) 4 SC 508] 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.”

(Emphasis supplied)

11. So far as the present *lis* is concerned, admittedly, the Institute, where the Petitioner was allegedly studying his B.Ed. Course in Hindi, is situated in the State of Karnataka. The representations as at Annexures-2 and 4, which are allegedly pending before the Opposite Party No.2-Dakhina Bharat Hindi Prachar Sabha, is located in the State of Tamilnadu. The inaction of the Authority concerned to deal with and dispose of such representations is also occurring in Tamilnadu. The said Reorientations also do not disclose as to from which place of the State of Odisha such representations were sent and what was the mode of communication. The grievance of non-disposal of



representation, that to at the instance of a retired teacher on behalf of the Petitioner, the “effect’ of such inaction remains centered in the State of Tamilnadu. Further, it is not the case of the Petitioner that Dakhina Bharat Hindi Prachar Sabha, Chennai in the State of Tamilnadu has a Regional Office at Odisha, which specifically handles such an issue regarding inaction of the authority concerned. Law is well settled that pleaded facts must form an integral part of cause of action.

12. After going through the pleadings made in the writ petition and hearing learned Senior Counsel for the Petitioner, this Court is unable to find any such pleadings giving rise to any part of cause of action, which has allegedly arisen within the territorial jurisdiction of this Court entailing this Court to deal with the grievance of the Petitioner and give a direction, as sought for. Further, such a prayer seeking a direction from this Court to dispose of the representations of a third party, who is a retired Hindi Teacher, even though such representations were given on behalf of or for the profit of the Petitioner, is misconceived and not maintainable.



13. At this juncture, it would be apt to deal with the Judgment of the Gujarat High Court in **Bhavendra**(supra) cited by the learned Senior Counsel for the Petitioner. Certain paragraphs of said judgment were placed before this Court by the learned Senior Counsel in support of her argument that to avoid undue hardship to be caused to the Petitioner so also applying the principles of doctrine of forum conveniens, the writ petition was rightly preferred before this Court.

14. It is worthwhile to mention here that, in the said writ petition, the issue was regarding legality and validity of the notice issued by the Income Tax Officer, Cuttack in the State of Odisha, under Section 48 of the Income Tax Act, 1961. Since the said notice came to be issued to the writ petitioner at Ahmadabad and the reply to such notice was also filed with the Department at Ahmadabad, the Petitioner preferred the said writ application before the High Court of Gujarat on the ground that some part of cause of action arose within the territorial jurisdiction of the said High Court. Ultimately, the said writ petition was dismissed by the High Court of Gujarat



relegating the writ Petitioner to file an appropriate writ application before the High Court of Orissa at Cuttack. After going through the said judgment in details, this Court is of the view that rather the said judgment cited by the learned Senior Counsel is against the Petitioner so also arguments advanced before this Court regarding existence of territorial jurisdiction and maintainability of the present writ petition.

15. Accordingly, all the writ petitions stand dismissed vide this common judgment. No order as to costs.

16. It is made clear that dismissal of the writ petitions on the ground of lack of territorial jurisdiction shall not be a bar for the Writ Petitioners to redress their grievances, if any, before the appropriate authority so also forum in accordance with law.

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S.K. MISHRA, J.