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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 14.09.2026*# **CNR No. DLHC010433382026**+ **W.P.(C) 13363/2026**

RISHI PAL

.....Petitioner

Through: Mr. Ashok Kumar and Mr. Vijay
Kumar, Advs.

versus

NATIONAL COMMISSION FOR SCHEDULED
CASTES

.....Respondent

Through: Mr. T. P. Singh, SPC.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J. (Oral)**

1. By way of the present writ petition, the petitioner seeks issuance of an appropriate writ, order or direction for quashing the order dated 27.04.2026 passed by the respondent, National Commission for Scheduled Castes (NCSC) whereby the complaint of the petitioner bearing reference no. NCSCRN330121 dated 22.04.2026 was rejected, and for restoration of the said complaint with a direction to the NSCC to hear the petitioner expeditiously.

2. The brief facts of the case, as set out in the petition, are that the Haryana Police had issued an advertisement on 08.11.2003 for recruitment to 740 posts of Constables, pursuant to which the petitioner had applied



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under the Scheduled Caste (B) category and was placed at S. No. 1 in the waiting list under the said category. Despite being found medically fit and his antecedents having been verified, the petitioner was not offered appointment on the ground that the notified vacancies stood filled. Aggrieved thereby, the petitioner had approached the High Court of Punjab and Haryana by way of *C.W.P. No. 12059/2005*, which came to be dismissed *vide* order dated 17.10.2006. The petitioner claims to have subsequently obtained certain information pursuant to an application filed under the Right to Information Act, 2005 (**RTI Act**), *vide* letter dated 08.01.2026 issued by the Commandant, 2nd Indian Reserve Battalion, Bhondsi, Gurugram, Haryana. According to the petitioner, the said information revealed that certain candidates placed below him in the waiting list had subsequently been appointed as Constables. The petitioner thereafter lodged a complaint dated 22.04.2026 before the NCSC, seeking action in the matter, reconsideration of his claim and compensation. *Vide* the impugned order dated 27.04.2026, the said complaint was rejected with reference to para 7.4.1(f) of the Rules of Procedure of the National Commission for Scheduled Castes, 2009, which provides as under:

“Cases pending in courts or cases in which a court has already given its final verdict may not be taken up afresh with the Commission”.

3. At the outset, a preliminary objection as to the territorial jurisdiction of this Court to entertain the present petition has been raised.
4. The learned counsel appearing for the petitioner argues that the present petition is maintainable before this Court since the respondent-NCSC is situated in Delhi and the impugned order dated 27.04.2026 has also been passed by the respondent at Delhi. It is further submitted that the



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complaint before the respondent was founded upon information which had subsequently come to the knowledge of the petitioner and, therefore, the present proceedings could not be treated as merely a continuation of the earlier proceedings before the High Court of Punjab and Haryana.

5. The learned counsel appearing for the respondent, on the other hand, argues that the entire substantive grievance of the petitioner arises out of a recruitment process undertaken by the Haryana Police in the year 2003. It is contended that the advertisement, recruitment, selection, preparation of the waiting list, medical examination, verification of antecedents, alleged non-appointment of the petitioner and the subsequent appointments relied upon by him all pertain to the State of Haryana. It is further submitted that the petitioner had earlier approached the High Court of Punjab and Haryana in relation to his non-appointment, considering which fact, the impugned order has been passed by the NCSC. The learned counsel also argues that the mere fact that the respondent-NCSC is situated in Delhi cannot confer territorial jurisdiction upon this Court when no material part of the cause of action has arisen within Delhi.

6. This Court has **heard** the learned counsels appearing for the parties and has perused the material placed on record.

7. The issue which arises for consideration at this stage is confined to the territorial jurisdiction of this Court. This Court is, therefore, not examining the merits of the petitioner's grievance, the correctness or otherwise of the order dated 17.10.2006 passed by the High Court of Punjab and Haryana, the effect of the information subsequently obtained by the petitioner, or the correctness of the impugned order dated 27.04.2026 on merits.

8. Article 226(2) of the Constitution of India provides that the power



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conferred upon a High Court under Article 226 may be exercised by it if the cause of action, wholly or in part, arises 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 writ is sought is not within those territories. The expression “cause of action” in this context refers to the bundle of facts which are necessary for the petitioner to establish in order to obtain the relief sought. It is not every fact pleaded in a petition which constitutes a part of the cause of action. The facts relied upon must have a nexus or relevance to the *lis* involved in the proceedings and must constitute a material, essential or integral part of the cause of action.

9. The aforesaid principle has been reiterated by the Hon’ble Supreme Court in ***State of Rajasthan v. Swaika Properties*: (1985) 3 SCC 217, *Oil and Natural Gas Commission v. Utpal Kumar Basu*: (1994) 4 SCC 711, *Union of India v. Adani Exports Ltd.*: (2002) 1 SCC 567, *Kusum Ingots & Alloys Ltd. v. Union of India*: (2004) 6 SCC 254 and *Alchemist Ltd. v. State Bank of Sikkim*: (2007) 11 SCC 335. Similarly, in *Nawal Kishore Sharma v. Union of India*: (2014) 9 SCC 329, the Hon’ble Supreme Court reiterated that the facts relied upon must constitute an integral part of the cause of action and not merely be incidental or unrelated facts.**

10. Tested on the aforesaid principles, this Court notes that the substantive grievance of the petitioner in the present case has its entire factual foundation in the State of Haryana. The recruitment in question was undertaken by the Haryana Police. The advertisement dated 08.11.2003 was issued by the Haryana Police; the petitioner participated in the said recruitment process in Haryana; his placement in the waiting list arose out of



the said recruitment; the alleged non-appointment relates to the Haryana Police; and the subsequent information relied upon by the petitioner was furnished by an authority of the Haryana Police situated at Bhondsi, Gurugram, Haryana.

11. Even the alleged subsequent appointments, on the basis of which the petitioner claims to have acquired knowledge of the facts relied upon in his complaint, relate to candidates appointed by the Haryana Police pursuant to the same recruitment process. Thus, the facts which constitute the substantive foundation of the petitioner's grievance are all connected with the State of Haryana.

12. Concededly, the petitioner had earlier approached the High Court of Punjab and Haryana in C.W.P. No. 12059/2005 in relation to his non-appointment pursuant to the very same recruitment process. The said proceedings culminated in the order dated 17.10.2006 passed by that Court. It is this order passed in the said petition, which forms the basis of the passing of impugned order by the NCSC.

13. The petitioner's present grievance, therefore, remains substantially connected with the recruitment process undertaken by the Haryana Police and the alleged events arising therefrom in the State of Haryana. The existence of the earlier proceedings before the High Court of Punjab and Haryana further demonstrates that the said Court has a direct and substantial territorial connection with the subject matter which forms the foundation of the petitioner's grievance.

14. The learned counsel for the petitioner, however, has relied upon the fact that the respondent-NCSC is situated in Delhi and that the impugned order dated 27.04.2026 was passed by the respondent at Delhi.



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15. In the peculiar facts of the case, this Court is of the opinion that the mere *situs* of the respondent-NCSC cannot be viewed in isolation. The question of territorial jurisdiction has to be examined with reference to the nature of the *lis* and the facts which constitute the cause of action. The fact that an authority is situated within the territorial jurisdiction of a particular High Court cannot mean that every dispute relating to an order passed by that authority would necessarily have its substantive cause of action within that territory. The facts giving rise to the grievance must have a real and material nexus with the dispute before the Court. In the present case, the impugned order of the respondent-NCSC is essentially an order passed upon a complaint concerning the petitioner's grievance founded upon the recruitment undertaken by the Haryana Police, his placement in the waiting list, his alleged non-appointment and the subsequent appointments which, according to him, came to light subsequently. These are the facts which would necessarily have to be examined for determining the petitioner's entitlement to the relief sought.

16. It is also apposite to note that the Hon'ble Supreme Court has cautioned that even where a small or insignificant part of the cause of action is shown to have arisen within the territorial jurisdiction of a High Court, such circumstance does not necessarily require the Court to exercise its jurisdiction, particularly where another High Court has a much closer and more substantial connection with the dispute. The doctrine of *forum conveniens* has been recognised as relevant in the exercise of the discretionary jurisdiction under Article 226.

17. In ***Kusum Ingots & Alloys Ltd.*** (*supra*), the Hon'ble Supreme Court specifically recognised that the fact that a small part of the cause of action



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arises within the territorial jurisdiction of a High Court may not, by itself, be determinative, and that the doctrine of *forum conveniens* may be invoked in an appropriate case. The said principle was reiterated in ***State of Goa v. Summit Online Trade Solutions (P) Ltd.***: (2023) 7 SCC 791. In the said case, the petitioner had challenged various notifications under the CGST Act 2017 and IGST Act 2017, alongwith with rate-notifications issued by the States of Goa, Maharashtra, Punjab and Sikkim. It was pleaded that one of the notifications under challenge was issued by the State of Sikkim and the registered office of the petitioner was also situated in Sikkim. Nevertheless, the Hon'ble Supreme Court held that the High Court of Sikkim was not clothed with the requisite jurisdiction to entertain the petition, as the major and substantial part of the cause of action had arisen within the jurisdiction of another High Court. The Supreme Court observed that, even assuming that a slender part of the cause of action arose within the territorial jurisdiction of High Court of Sikkim, such fact, by itself, could not be a determinative factor compelling that Court to entertain the writ petition. Thus, neither the challenge to one notification issued by the State of Sikkim, nor the location of the office of the petitioner in Sikkim, were considered to be the material facts or prayers to determine the cause of action, when the primary notification in challenge, among several others, was issued by the State of Goa.

18. Thus, even assuming that the passing of the impugned order by the respondent at Delhi constitutes a connection with the territorial jurisdiction of this Court, the said connection, in the facts of the present case, is not sufficient to warrant this Court entertaining the present petition.

19. In view of the aforesaid, this Court is not inclined to entertain the



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present petition for want of territorial jurisdiction and in view of the doctrine of *forum conveniens*.

20. The petitioner shall be at liberty to avail of such remedy as may be available to him in accordance with law before the appropriate forum of jurisdiction, including approaching the High Court of Punjab and Haryana.

21. It is clarified that this Court has not expressed any opinion on the merits of the case.

22. The present petition is accordingly dismissed. Pending application(s), if any, also stand disposed of.

23. The judgment be uploaded on the website forthwith.

24. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

**SEPTEMBER 14, 2026/
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