



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14520-2025

ROHIT KUMAR

....PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

1.	The date when the judgment is reserved	18.04.2026
2.	The date when the judgment is pronounced	12.05.2026
3.	The date when the judgment is uploaded	15.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Not applicable

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vivek Singla, Advocate with
for the petitioner(s).

Ms. Promila Nain, Sr. Panel Counsel with
Ms. Archana Vashisth, Advocate for the respondents No. 1 & 2.

Ms. Payal, Advocate for respondent no. 3

SANDEEP MOUDGIL, J

Prayer

1. The present Civil Writ Petition under Articles 226 and 227 of the Constitution of India has been filed seeking issuance of a writ of certiorari for quashing the orders dated 16.04.2025 and 28.04.2025 (Annexures P-13 and P-14), whereby the petitioner was declared medically unfit for appointment to the post of Medical Officer. The petitioner further seeks issuance of a writ of mandamus



directing the respondents to appoint him/her as Medical Officer in terms of the cadre allocation notice dated 17.01.2025 (Annexure P-11), along with a consequential prayer to keep the allotted cadre vacant during the pendency of the petition.

Factual Backdrop

2. The petitioner, belonging to the OBC (PwBD) category and suffering from Gamma-Sarcoglycanopathy/Limb Girdle Muscular Dystrophy (LGMD-2C), participated in the Combined Medical Services Examination, 2024 conducted by the Union Public Service Commission after completing MBBS from Government Medical College and Hospital, Chandigarh and obtaining registration with the Haryana Medical Council. Upon qualifying the examination and interview, the petitioner was recommended for appointment and was allocated the cadre of Municipal Corporation of Delhi vide notice dated 17.01.2025.

3. Thereafter, as part of the selection process, the petitioner underwent medical examination before the Central Standing Medical Board at VMMC and Safdarjung Hospital, New Delhi, which declared the petitioner medically unfit. On the basis of the said opinion, the Municipal Corporation of Delhi issued communication dated 16.04.2025 returning the petitioner's dossier, followed by order dated 28.04.2025 issued by respondent Nos.1 and 2 communicating rejection of candidature on medical grounds.

4. Aggrieved against the aforesaid orders declaring him medically unfit for appointment to the post of Medical Officer, the petitioner has filed the present writ petition seeking quashing of the impugned orders and a direction to the respondents to appoint him pursuant to the cadre allocation dated 17.01.2025.

**Contentions:****On behalf of petitioner:**

5. Learned counsel for the petitioner contends that the impugned orders dated 16.04.2025 and 28.04.2025 declaring the petitioner medically unfit are arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India as well as the provisions of the Rights of Persons with Disabilities Act, 2016. It is argued that despite suffering from benchmark disability, the petitioner successfully completed the MBBS course, internship and registration requirements and thereafter qualified the Combined Medical Services Examination, 2024 conducted by the Union Public Service Commission.

6. It is further submitted that the petitioner had earlier been granted admission to the MBBS course pursuant to directions issued by this Court in CWP No.19236 of 2018 and has since demonstrated functional competence in discharging medical duties. Learned counsel submits that once the petitioner has been permitted to pursue and complete the medical course and has qualified the competitive examination, denial of appointment solely on account of disability defeats the very object of the Rights of Persons with Disabilities Act, 2016.

7. Reliance has also been placed upon recent judgments of the Supreme Court emphasizing substantive equality, reasonable accommodation and non-discrimination in public employment for persons with disabilities. It is thus argued that the impugned action deserves to be set aside and the respondents be directed to appoint the petitioner to the post of Medical Officer.

On behalf of respondent no. 1&2:

8. The reply dated 08.09.2025 has been filed on behalf of respondent no. 1&2 through Dr. Sarwinder Singh, Addl. Director, CGHS Chandigarh, Ministry of



Health and Family Welfare, it is averred therein that in terms of the applicable recruitment rules and examination notification dated 10.04.2024, every selected candidate was required to undergo medical examination before the competent Medical Board. Pursuant thereto, the petitioner was examined by the Central Standing Medical Board, VMMC and Safdarjung Hospital, New Delhi, which declared him medically “unfit” on account of 90% BL and BA disability.

9. Learned counsel appearing on behalf of the respondents submits that the role of respondent Nos.1 and 2 was confined to cadre allocation and communication of the findings of the Medical Board, whereas the concerned cadre controlling authority was required to take consequential action.

10. It is further contended that the examination rules specifically provided a remedy of appeal before the Appellate Medical Board within 21 days of communication of the medical opinion, however, the petitioner failed to avail the said remedy and directly invoked the writ jurisdiction of this Court. Learned counsel argues that the impugned action has been taken strictly in accordance with the governing recruitment rules, Gazette Notification dated 10.04.2024 and the medical standards prescribed therein and, therefore, no arbitrariness or illegality can be attributed to respondent Nos.1 and 2.

On behalf of respondent no.3

11. An affidavit dated 25.10.2025 has been filed on behalf of Mr. Abhishek Bhukal, Director (Personnel) in Central Establishment Dept, MC Delhi wherein a preliminary objection with regard to maintainability of the writ petition has been raised on the ground of lack of territorial jurisdiction by contending that the entire cause of action arose in Delhi, inasmuch as the cadre allocation, medical



examination and rejection of candidature were all undertaken by authorities situated in New Delhi

12. Without prejudice to the said objection, learned counsel appearing on behalf of respondent No.3-Municipal Corporation of Delhi further submits that the petitioner was ineligible for appointment in terms of the eligibility conditions contained in the Combined Medical Services Examination Notice, 2024 itself. Referring to Appendix-V of the advertisement, it is argued that the post of General Duty Medical Officer Grade-II in MCD was identified suitable only for specified categories of benchmark disabilities and did not include candidates suffering from BA and BL disability to the extent attributed to the petitioner.

13. Learned counsel submits that the petitioner, despite being aware of the prescribed functional classification and physical requirements, participated in the recruitment process and was ultimately found medically unfit by the competent Medical Board. It is contended that the action of respondent No.3 is merely consequential to the findings of the Medical Board and is fully in consonance with the recruitment notification and the Rights of Persons with Disabilities Act, 2016.

14. Having heard learned counsel for the parties and perused the record.

Analysis:

15. The preliminary objection raised by respondent No.3 with regard to territorial jurisdiction goes to the root of the matter and, therefore, deserves consideration at the outset.

16. The Article 226(2) of the Constitution of India empowers a High Court to exercise jurisdiction if the cause of action, wholly or in part, arises within its territorial limits. A bare perusal of Clause (2), clarifies that cause of action for



the purpose of Article 226(2) of the Constitution, for all intent and purpose must be assigned the same meaning as envisaged under section 20(c) of the Code of Civil Procedure. The expression cause of action has not been defined either in the Code of Civil Procedure or the Constitution. Cause of action is bundle of facts which is necessary for the plaintiff to prove in the suit before he can succeed.

17. The term 'cause of action' as appearing in Clause (2) came for consideration time and again before the Apex Court. In the case of ***State of Rajasthan and Others v. M/s Swaika Properties and Another, (1985) 3 SCC 217***, the supreme court observed that,

“8. 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.”

18. This provision was again considered by the Apex Court in ***Oil and Natural Gas Commission v. Utpal Kumar Basu, (1994) 4 SCC 711***, the court held



that every fact pleaded by a litigant does not ipso facto constitute cause of action and only those facts which have a direct nexus with the lis would be relevant for determining territorial jurisdiction. The Court deprecated the practice of invoking jurisdiction of a Court on the basis of insignificant or trivial facts having no bearing on the dispute. It was held that,

“6. 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 enquiry 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.”

19. The aforesaid principle was reiterated in ***Kusum Ingots & Alloys Ltd. v. Union of India, (2004) 6 SCC 254***, wherein it was held that even if a small fraction of cause of action arises within the territorial jurisdiction of a High Court, such fact must constitute an integral part of the cause of action. The Court further observed that the situs of the petitioner or the location where consequences are felt would not by itself furnish territorial jurisdiction unless the foundational facts of the dispute arose therein. The Court elaborately discussed Clause (2) of Article 226 of the Constitution, particularly the meaning of the word ‘cause of



action' with reference to Section 20(c) and Section 141 of the Code of Civil Procedure and observed :-

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

Their Lordships further observed as under :-

"29. In view of clause (2) of Article 226 of the Constitution of India, now if a part of cause of action arises outside the jurisdiction of the High Court, it would have jurisdiction to issue a writ. The decision in Khajoor Singh has, thus, no application.

30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens."

20. In the case of ***Union of India and others v. Adani Exports Ltd. and another, (2002) 1 SCC 567***, the Supreme Court 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. 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 are such which have a nexus or relevance with the lis i.e. involved in the case. The Court observed :

"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."

21. It can be culled out from above that the expression "cause of action" has consistently been interpreted to mean those material, essential and integral facts which are necessary for adjudication of the dispute and mere incidental or ancillary facts are insufficient to confer territorial jurisdiction upon a Court.



22. Thus, this court is of the opinion that all necessary facts must form an 'integral part' of the cause of action. The fact which is neither material nor essential nor integral part of the cause of action would not constitute a part of cause of action within the meaning of Clause (2) of Article 226 of the Constitution. Therefore, the pleaded facts must have a direct relevance to the relief sought and not be remote or incidental in nature.

23. A perusal of the record would show that the entire recruitment process, which forms the subject matter of challenge in the present writ petition, is intrinsically connected with Delhi. The petitioner participated in the Combined Medical Services Examination, 2024 conducted by the Union Public Service Commission. Pursuant to his selection, he was considered under Category-II and was allotted the cadre of Municipal Corporation of Delhi vide cadre allocation notice dated 17.01.2025. The very post against which appointment is sought by the petitioner is under the Municipal Corporation of Delhi and, therefore, the service in question is situated in Delhi itself.

24. It further emerges from the pleadings that, as part of the recruitment and verification process, the petitioner was directed to undergo medical examination before the Central Standing Medical Board constituted at VMMC & Safdarjung Hospital, New Delhi. The Medical Board, after examining the petitioner, declared him medically unfit and the said opinion became the basis for return of his dossier by the Municipal Corporation of Delhi. The communication dated 16.04.2025 returning the petitioner's candidature and the consequential order dated 28.04.2025 communicating rejection of candidature were both issued by authorities located in New Delhi. Even the remedy of appeal against the findings



of the Medical Board, as contemplated under the examination rules, was to be availed before the Appellate Medical Board at New Delhi.

25. Thus, the selection process, cadre allocation, medical examination, consideration of eligibility, issuance of the impugned orders and the proposed appointment are all centered in Delhi and arise out of actions taken by authorities situated in Delhi. No material event forming an integral part of the cause of action has occurred within the territorial jurisdiction of this Court. The dispute raised in the present petition, in substance, concerns the legality of decisions taken in Delhi by authorities functioning in Delhi in relation to a post situated in Delhi. Therefore, this Court finds that the cause of action, wholly and substantially, has arisen outside its territorial jurisdiction.

24. Consequently, no part of the essential cause of action can be said to have arisen within the territorial jurisdiction of this Court. Mere residence of the petitioner or incidental consequences allegedly suffered by him within the territorial limits of this Court would not confer jurisdiction in view of the law laid down by the Supreme Court.

Conclusion

25. From the aforesaid discussion and keeping in view the existing jurisprudence, it is clear that for the purpose of deciding whether facts averred by the petitioner, would or would not constitute a part of cause of action, one has to consider whether such fact constitutes a material, essential, or integral part of the cause of action.

26. Accordingly, this Court is of the considered view that it lacks territorial jurisdiction to entertain the present writ petition. Consequently, the



present writ petition is ***dismissed*** on the ground of want of territorial jurisdiction, with liberty to the petitioner to avail appropriate remedies before the competent Court in accordance with law.

27. Pending applications, if any, stand disposed of.

12.05.2026
NainaRajput

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*