

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 20139/2025

URN: CW / 44872U / 2025

Deependra Singh Kushwah, Son Of Shri Prem Singh Mali, Aged About 31 Years, Presently working as Trained Graduate Teacher (Mathematics), PM Shri Jawahar Navodaya Vidyalaya, Morigaon, Assam-782105, Permanent Resident Of Near Virendra Ice Factory, Mandrayal Road, Karauli, Rajasthan - 322241.

-----Petitioner/Applicant

Versus

1. Union Of India, Through Its Principal Secretary Department Of School Education And Literacy Ministry Of Education, Government Of India, Shastri Bhawan, New Delhi - 110001.
2. The Commissioner, Navodaya Vidyalaya Samiti, B-15 Institutional Area, Sector-62, Noida, Uttar Pradesh - 201307.
3. Deputy Commissioner (Personnel), Navodaya Vidyalaya Samiti, B-15 Institutional Area, Sector-62, Noida, Uttar Pradesh-201307.
4. Deputy Commissioner, Regional Office, Shillong, Navodaya Vidyalaya Samiti, Temple Road, Barik Point, Lachumiere, Shillong - 793001.
5. Assistant Commissioner (Estt-III), Regional Office, Shillong, Navodaya Vidyalaya Samiti, Temple Road, Barik Point, Lachumiere, Shillong - 793001.
6. Principal, Pm Shri Jawahar Navodaya Vidyalaya, Morigaon, Assam - 782105.
7. Principal, Pm Shri Jawahar Navodaya Vidyalaya, Ravangla, Namchi, Sikkim 737139.

-----Respondents

For Petitioner(s)	:	Mr. Ravindra Saini with Mr. Avadhesh Kumar Saini Mr. Rahul Gupta
For Respondent(s)	:	Mr. Lalit Bhardwaj for Mr. Samit Bishnoi Mr. Krishna Verma with Mr. Ishan Verma

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

01/07/2026

This writ petition is directed against the order dated 20.11.2025 passed by the learned Central Administrative Tribunal, Jaipur (for brevity, 'learned Tribunal') whereby, the Original Application No.641/2025 has been dismissed for want of territorial jurisdiction.

The relevant facts in nutshell are that the petitioner, a regular Trained Graduate Teacher (Mathematics) with Navodaya Vidyalaya Samiti, filed the aforesaid Original Application before the learned Tribunal praying therein for quashing and setting aside the show cause notice dated 02.07.2025 as also for a direction to the respondents to initiate an independent and high level enquiry examining the assault on him on 08.03.2025 at JNV, Ravangla. The aforesaid Original Application has been dismissed by the learned Tribunal vide order impugned for want of territorial jurisdiction, as stated hereinabove.

Assailing the order, learned counsel for the petitioner submits that since, after he was assaulted at JNV, Ravangla situated in State of Assam, he has travelled to place of his residence at Karauli and has submitted various representations from here, a part cause of action arose within the territorial jurisdiction of the learned Tribunal. Placing reliance upon Rule 6(1)(ii) of the Central Administrative Tribunal (Procedure) Rules, 1987 (for short, 'Rules of 1987') and a judgment of the Hon'ble Supreme of India in the

case of **Nawal Kishore Sharma vs. Union of India and Others**

decided on 07.08.2014 in Civil Appeal No.7414/2014, he would submit that since part cause of action has arisen within the territorial jurisdiction of the learned Tribunal, it erred in dismissing his Original Application on this count. He, therefore, prayed that the writ petition be allowed, the judgement impugned dated 20.11.2025 be quashed and set aside and the matter be remanded back to the learned Tribunal for decision on its merit.

Per contra, learned counsel for the respondents, opposing the submissions, contended that the learned Tribunal committed no error inasmuch as no part cause of action has arisen within its jurisdiction. He submitted that the ratio laid down by the Hon'ble Supreme Court of India in the case of **Nawal Kishore Sharma** (supra) has no applicability in the instant case. He asserted that the Rules of 1987 give a discretion to a retired employee to file an application with the Bench within whose jurisdiction such person is ordinarily residing at the time of filing of application, a situation not obtaining in the instant case. He, therefore, prayed for dismissal of the writ petition.

Heard. Considered.

As already observed, the prayer made in the Original Application by the petitioner, primarily, was for quashing the show cause notice dated 02.07.2025 to show cause as to why a disciplinary action should not be initiated against him, issued by the Principal PM Shri School, Jawahar Navodaya Vidyalaya at Village Daloichuba, District Morigaon, Assam where the petitioner is still posted as TGT Mathematics. As such, cause of action has arisen to the petitioner thereagainst only in the State of Assam.

Merely because he proceeded to Jaipur, the permanent place of residence thereafter and submitted representations for redressal of his grievance from here, it would not bestow the learned Tribunal with jurisdiction to hear the challenge against the show cause notice issued in the State of Assam. Further, a perusal of the Original Application filed by the petitioner reflects that he has claimed territorial jurisdiction with the learned Tribunal at Jaipur only because he is a resident within its jurisdiction. Mere place of residence of the applicant does not confer jurisdiction to the Tribunal of that place except under the circumstance envisaged under Rule 6(2) of the Rules of 1987, which is not the petitioner's case.

Reliance placed by the learned counsel for the petitioner on Rule 6(1)(ii) of the Rules of 1987 is wholly misconceived inasmuch as no part cause of action has arisen within the territorial jurisdiction at Jaipur. Similarly, the judgment of the Hon'ble Supreme Court of India in the case of **Nawal Kishore Sharma** (supra) does not come to his rescue inasmuch as therein, although, the order cancelling registration of the appellant therein as a Seaman was passed by the Shipping Department of the Government of India at Mumbai but, on his representation submitted from the State of Patna where he was residing after cancellation of his registration, the order impugned denying him benefit of pension was communicated to the place of his residence. In that factual context, the Hon'ble Supreme Court of India was pleased to hold that the High Court at Patna had territorial jurisdiction to entertain the writ petition as part cause of action has arisen within its jurisdiction. However, the facts in the

instant case are on entirely different pedestal. Besides, a perusal of Rule 6(2) of the Rules of 1987 reflects that notwithstanding anything contained in sub-Rule (1) person who has ceased to be in service by reason of retirement, dismissal or termination of service may, at his option, file an application within the jurisdiction of the Tribunal where he is ordinarily residing at the time of filing of the application. Indisputably, no such situation obtains in the instant case.

In the conspectus of the aforesaid analysis, we are of the considered opinion that no part cause of action has arisen to the petitioner against the show cause notice dated 02.07.2025 or for that matter, qua any of the relief claimed in the Original Application within the jurisdiction of the learned Tribunal at Jaipur and it did not err in dismissing the Original Application on this count.

Resultantly, this writ petition is dismissed being devoid of merit.

Pending application(s), if any, also stands disposed of accordingly.

(RAVI CHIRANIA),J

(MAHENDAR KUMAR GOYAL),J