

(2013) 02 JH CK 0055

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 367 of 2012

Ashim Kumar Samanta

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 06-02-2013

Acts Referred:

Citation : (2013) 2 JLJR 69

Hon'ble Judges : Prakash Tatia, C.J;Alok Singh, J

Bench : Division Bench

Advocate : Rajiv Kumar, for the Appellant; Rajesh Shankar for the State and Mr. Manoj Tandon for the Respondent No. 11, for the Respondent

Judgement

1. Learned counsel for the respondent no. 11 has serious allegation with respect to bona fide of the petitioner as well as reason for filing the petition in the name of P.I.L. in violation to the Jharkhand High Court (Public interest Litigation) Rules, 2010. Respondent's allegations against the petitioner are of very serious nature. Respondent No. 11 also has placed on record several documents alongwith his counter affidavit.

2. According to the learned counsel for the respondent no. 11, respondent no. 11 took the admission in the RIMS and he was the bona fide candidate and therefore, he was given admission in the RIMS. In the RIMS, there is one person Narayan Hansda who according to the respondent no. 11 is the "Boss" and is known to every person in the RIMS. The respondent no. 11 submitted that petitioner in connivance with the said Sri Narayan Hansda, has filed this petition for extortion of money which the said Narayan Hansda (Boss) could not get from the respondent no. 11 in spite of severe beating given to him wherein the respondent no. 11 suffered serious injury of fracture in the right ear which in medical term is called "Tympanic Membrane fracture". The respondent no. 11 was given beating calling him an outsider (Bihari) and respondent no. 11 was further asked to pay Rs. two lacs within 10 days which the respondent no. 11 refused to pay. Father of the respondent no. 11 made a complaint to the S.S.P.,

Ranchi on 2.11.2011 with a copy to the Director, RIMS, Ranchi as well as to the Hon'ble Governor of the Jharkhand with copy to the Secretary, Home Department, Government of Jharkhand. The respondent no. 11 submitted that there is a direct connection of the said Narayan Hansda with the petitioner which is apparent from the documents, copies of which have been placed on record as Annexures-R/11/B series.

3. We perused the contents of these documents whereby incident of ragging in the RIMS was brought to the notice of the RIMS Administration. The RIMS Administration also constituted an inquiry committee and from one of the newspaper dated 15.11.2011 it appear that the RIMS Superintendent refused to conduct the inquiry and it appears from the said report that such view may have been taken because of the constitution of the anti-ragging squad by the RIMS. Then there is a news cutting that RIMS is keeping mum on the issue of ragging.

4. In this petition, the petitioner did not disclose all these facts which indicate that he was aware of the injuries of the respondent no. 11 and he was aware of the allegations of the ragging and he was also aware of the lodging of the complaint by the father of the respondent no. 11. He even in his application under Right to Information Act also mentioned that the respondent no. 11 has alleged with respect to the demand of ransom, but in view of the petitioner, the complainant-respondent no. 11 did not mention that how much money was demanded by the said Narayan Hansda, therefore, the petitioner was also knowing that there is some allegation against Narayan Hansda for which he wanted to take some information from the RIMS. In the same application annexed as Annexure-R/11/B series of the counter affidavit, he questioned the bona fides of the complaint and mentioned that whether from above it may not be presumed that the complaint lodged by the father of the respondent no. 11 appears to be false and the statement given to the media by Sanjeev Kumar is wrong and thereafter, he in the application for Right to Information Act virtually requested for inquiry and requested for sending the information to the petitioner. Probably a person who is claiming himself to be journalist and claiming himself to be public spirited person must have knowledge that under Right to Information Act, one can seek information and not an inquiry.

5. Be that as it may, prima facie we are of the considered opinion that there is some force in the plea of the respondent no. 11 and in view of these reasons, since the matter is required to be examined thoroughly by this Court looking to the gravity in the matter involving the allegation of demand of ransom from the students of Medical College (RIMS) and ragging resulting into injuries and involvement of person who claims that he is a journalist and has sought inquiry in the matter with his plea that complaint lodged by respondent no. 11's father is false which has been lodged against Narayan Hansda, therefore, this petition is converted into a suo moto public interest litigation and the petitioner is impleaded as respondent no. 15 in this petition, so that he may adequately contest the issues raised by the respondent no. 11. In the facts of the case we

deem it proper to implead said Sri Narayan Hansda as party respondent no. 16 in this petition.

6. It is submitted by learned counsel for the respondent no. 11 that Narayan Hansda is Probationer House Surgeon in the RIMS. Therefore, notice be issued to Narayan Hansda through the Director, Rajendra Institute of Medical Science, Ranchi, RIMS Campus, Bariatu, District-Ranchi. The office is directed to issue notice to the respondent no. 16 and the names of newly added respondents be inserted as respondent nos. 15 & 16 in this petition by deleting the name of the petitioner and mentioning "court on its own motion". Since the respondent no. 15 is already represented through his counsel so there is no need to send notice to him (earlier petitioner).

7. Mr. Krishna Murari is requested to assist the Court as Amicus Curiae.

8. Copy of the writ petition and counter affidavits alongwith the annexures filed by the parties may be given to the learned counsel Sri Krishna Murari.

9. The S.S.P., Ranchi is directed to see and ensure that no harm shall be done to the respondent no. 11. We are passing this order of interim protection only because of the request made by the counsel for the respondent no. 11 without prejudice to the right of the any of the respondents including the respondents who have been impleaded as respondent by this order.

10. The copy of the order be given to the learned counsel for the Amicus Curiae, learned counsel for Ashim Kumar Samanta, new respondent no. 15 counsel for the respondent no. 11 as well as the counsel for the State.

11. Put up this case on 18.2.2013. Registry is directed to list the matter in future in cause list under the title "Court on its own motion" after showing the name of Sri Krishna Murari as Amicus Curiae.