

(2006) 09 PAT CK 0097
In the Patna High Court
Case No : CWJC No. 7159 of 2006

Bihar State Private Teachers' Training College Association	APPELLANT
Vs	
The State of Bihar and Others	RESPONDENT

Date of Decision : 21-09-2006

Acts Referred:

Citation : (2006) 4 PLJR 366

Hon'ble Judges : J.N. Bhatt, C.J.; Shiva Kirti Singh, J

Bench : Division Bench

Advocate : Jyoti Saran, M.S. Madhup and S.C. Giri, for the Appellant; Lalit Kishore, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel appearing for the Vigilance Investigation Bureau, Bihar and its officials. Petitioner claims to be Bihar State Private Teachers' Training College Association, Patna sought to be represented by its Secretary. It has preferred the writ petition under the banner of "Public Interest Litigation" for challenging an order contained in Memo No. 364, dated 1.6.2006, which is part of Annexure-4 and indicates that preliminary investigation/inquiry by the Vigilance Investigation Bureau (hereinafter called "the Bureau"), under the orders of Governor's Secretariat issued in the year 1999, has been completed in respect of 8 colleges leading to institution of FIR by the Bureau for cognizable offences. In respect of 11 remaining colleges, the Bureau had sought guidance from the Government and on receipt of Government's decision, the Bureau decided to take up preliminary inquiry/investigation in respect of remaining 11 colleges also. The order discloses the names of 3 such colleges classified under L.N. Mithila University, one college under B.N. Mandal University and 7 remaining colleges under Magadh University. In respect of these colleges and Universities, the various letters issued from the Governor's Secretariat are indicated along with the names of officers, entrusted with the inquiry/investigation with direction to

complete the work within two months.

2. On earlier dates Ed.-Order dt. 4.7.2006 reported at Bihar State Private Teachers" Training College Association Vs. The State of Bihar and Others, , this Court gave opportunity to the petitioner to bring relevant materials in respect of the petitioner, on record because it was felt by the Court that Association of such colleges should be interested in espousing the cause of inquiry and investigation leading to purity, transparency and better future of the Country whereas the effort through the writ petition was to stall the preliminary inquiry itself. The materials furnished by the petitioner do not give a very happy profile of the petitioner Association. The first meeting of the petitioner Association is claimed to have been held on 19.5.2006. The Minutes Book, produced before this Court, shows signatures/names of 7 individuals, who allegedly attended the meeting without giving any details about themselves and how they were interested or competent to be members of the Association whose membership is supposed to be limited to representative of unaided institutions, imparting education in the field of teachers" training recognised by authorities under the National Council for Teachers" Education Act or in process of such recognition. The names of institutions sought to be represented by the 7 alleged members is nowhere reflected in the Minutes Book. The Association claims to have applied for registration under the Societies Registration Act during the pendency of the writ petition,

3. Be that as it may, on careful consideration of relevant facts and circumstances emerging from the record and the well established parameters for judging and accepting a petition to be in public interest, this Court is satisfied that the present writ petition does not meet the tests and standards and is not fit to be accepted and entertained as a "Public Interest Litigation". The writ petition is, therefore, dismissed on the ground that it cannot be accepted and entertained as a litigation in public interest. It goes without saying that this order will not affect rights of any of the 11 colleges to seek individual relief at appropriate stage in accordance with law, if any legal right of such colleges is adversely affected and if they have a grievance that this has been done in violation of legal provisions or contrary to law.