

(2017) 04 JH CK 0043
In the Jharkhand High Court
Case No : 4127 of 2016

Bindhyachal Devi

APPELLANT

Vs

The State of Jharkhand, & Ors.

RESPONDENT

Date of Decision : 20-04-2017

Acts Referred:

Citation : (2017) 04 JH CK 0043

Hon'ble Judges : Ananda Sen

Bench : SINGLE BENCH

Advocate : Nagendra Tiwari, ?Vikash Kumar

Final Decision : Dismissed

Judgement

1. By way of a Public Interest Litigation, this petitioner has prayed for the following relief which is quoted below for better appreciation.

" To direct the respondents to pass reasoned order on the application dated 15.3.2016 and 12.7.2016 submitted by the petitioner in the interest of students studying in Jharkhand State in the Inter Colleges and + 2 High Schools, so that the schools/inter colleges should effectively impart the teaching to the students who are studying in Inter Colleges/ +2 High Schools affiliated by Jharkhand Academic Council and grant in aid given by the State of Jharkhand through Human Resources Development Department, Government of Jharkhand.

Further amend the Jharkhand Academic Council Act, 2002 and rule which has been issued by notification dated 4.3.2003 in terms of representation dated 15.3.2016 and 12.7.2016 and also amend the

notification dated 27.12.2005 issued by the Human Resources Development Department, Government of Jharkhand, Ranchi and also

amend the Acts and Rules considering the representation dated

15.3.2016 and 12.7.2016 submitted by the students who are studying in Inter Colleges/ + 2 High Schools. The number of Inter College 300 (190 are permanent affiliated + 110 provisionally affiliated by J.A.C, Ranchi.

Petitioner further prays that during pendency of this W.P.(PIL) and till reorganization of committee an interim order may kindly be given to continue the functioning of the Ex-Committee in the Public Interest as in absence of Committee, the teacher and staffs will suffer irreparable loss due to non payment of their salary as Secretary of the Committee is the authority competent to put signature on cheques as per bye-laws of the Managing Committee.

And/or any other relief/s for which the petitioner is legally entitled and the Hon"ble Court may think fit and proper in the interest of students who are studying in Inter Colleges/ + 2 High Schools within the State of Jharkhand."

2. Counsel for the petitioner submits that the petitioner is the founder Secretary of one "Gramoday Chetna Kendra". He submits that this Gramoday Chetna Kendra has established a college under the name and style of "Upendra Nath Verma, Inter College". The disputes revolves around the managing committee of this college.

3. He submits that this petitioner is a donor member of the said college also. Being a donor member, he is permanent member of the Managing Committee of the College. It is submitted that the term of the Managing Committee has come to an end and no new Managing Committee has been formed to take over charge. He submits that due to absence of a new Managing Committee, not only Inter College is suffering, but the teachers and students are also suffering, as the teachers are not getting salary regularly. He submits that college is

getting aid from the Government as such, the grievance set forth in this writ application needs to be addressed. He submits that representation has been given to the Government but the same is pending, has not yet been disposed of. He submits that the Government should come up with a relevant provision and should legislate as to what would happen, if the term of existing committee expires and should ensure that the erstwhile committee should continue till new committee takes over.

4. From perusal of the writ application and from the argument of petitioner, it is apparent that the the petitioner has come up with the personal grievance in this Public Interest Litigation. Further from perusal of the interim prayer of the petitioner, we can understand that he is praying for an order to allow Ex-Managing Committee to function in absence of any permanent committee.

5. It is admitted that the petitioner is a member of the Ex-Managing Committee. It is admitted that the petitioner is donor member of the college and he was the founder secretary of "Gramoday Chetna Kendra".

6. The Hon"ble Supreme Court in the case of Janata Dal vs. H.S.Chowdhary and others [(1992) 4 SCC 305] in para 98 has held as under:

"While this Court has laid down a chain of notable decisions with all emphasis at their command about the importance and significance of this newly-developed doctrine of PIL, it has also hastened to sound a red alert and a note of severe warning that courts should not allow its process to be abused by a mere busybody or a meddlesome interloper or wayfarer or officious intervener without any interest or concern except for personal gain or private profit or other oblique consideration.

7. In the subsequent paragraph of the said judgment it has also been observed as follows:

" It is thus clear that only a person acting bone fide and having sufficient interest in the proceeding of PIL will alone have a locus standi and can approach the court to wipe out the tears of the poor and needy, suffering from violation of their fundamental rights, but not a person for personal gain or private profit or political motive or any oblique consideration.

8. Vexatious petition under the colour of PIL brought before this Court for vindicating any personal grievance deserves rejection at the threshold.

9. The Hon"ble Supreme Court in the case of Ashok kumar Pandey vs. State of West Bengal [(2004) 3 SCC 349] has held that the PIL is a weapon which is to be used with great care and circumspection and court has to be extremely careful to see that behind the beautiful veil of public interest, an ugly private malice, public interest and/or publicity seeking is not working. It is to be used as an effective weapon in the armoury of law for delivering sufficient justice to the citizen.

10. It is now well settled that the court must not allow its process to be abused for oblique consideration. The person with vested interest in indulging in meddling judicial process must be wiped out.

11. A petition filed by these persons which is for oblique motive and personal gain deserves to be thrown out at the threshold and with exemplary cost.

12. Applying this above ratio, we find that the petitioner has got personal interest in the entire litigation. He was a member of the committee whose term has expired. It is his claim that being a donor member, he is supposed to be in the committee throughout his life. His interim prayer fortifies the belief of this Court that this petition has been filed for personal gain giving colour of PIL. He was revival of the erstwhile committee.

13. On putting a question to the concerned Advocate, he submits that since there are three hundred Inter Colleges facing same difficulty with the Managing Committee so keeping in view large number of Inter Colleges, this petition has become a PIL. We cannot digest the said submission. In fact, the petitioner has filed this application to get a seal from this Court so that he can remain in the Managing Committee. No right, far less a fundamental right, of any group is effected. If any right of the petitioner is infringed, it is open to him to seek appropriate relief before the appropriate forum. P.I.L cannot be used for this purpose.

14. Thus, this Court is of the opinion that this Public Interest Litigation is not maintainable as the same has been filed for the benefit of the petitioner.

15. This writ petition is thus dismissed.