

(2011) 05 UK CK 0122

In the Uttarakhand High Court

Case No : Writ Petition No. 265 of 2008 (PIL)

Capt. Vinay Bhatia (Veteran)

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 10-05-2011

Acts Referred:

Citation : (2011) 05 UK CK 0122

Hon'ble Judges : Barin Ghosh, C.J.;Serves Kumar Gupta, J

Bench : Division Bench

Judgement

Barin Ghosh, C.J.—The present Public Interest Litigation was launched, alleging various irregularities committed by the Respondent - college. It was alleged that the Respondent - college, in its Law Department and Education Department, has acted in such a manner that the same is not in consonance with imparting education. In relation to those irregularities, which were alleged to be cognizable in nature, a First Information Report was filed. In the writ petition, directions were sought for inquiring into those allegations through Central Bureau of Investigation and for taking appropriate remedial steps in relation to the academic irregularities those were being committed by the Respondent - college in its aforementioned two Departments. During the pendency of the writ petition, the original Petitioner died, whereupon his wife is pursuing the writ petition. During the pendency of the writ petition, First Information Report, that was lodged, had been inquired into by the police and a charge sheet has been filed, whereon cognizance has been taken and the trial is proceeding.

2. In such circumstances, it could not be appropriate on our part to direct re-investigation of the allegations contained in the said First Information Report by the Central Bureau of Investigation.

3. As regards academic irregularities in the said two Departments, namely, Law and Education, actions have been taken and the Law Department of the Respondent - college has since been closed. The college is still imparting education pertaining to Bachelor of Education. In that regard, the State

Government, upon inquiry made pursuant to the complaints, was also of the view that things are not the way they should be and, accordingly, reported the matter to NCTE. The northern region of NCTE thereupon, cancelled affiliation of the Respondent -college, after being unsatisfied with the response given by the Respondent - college to the show cause. The order canceling affiliation has, however, been interfered by this Court in a writ petition, being Writ Petition No. 607 of 2010(M/S).

4. That being the situation, there is nothing further to be done in the present Public Interest Litigation, except that it shall be open to the Petitioner to re-approach this Court in Writ Petition No. 607 of 2010 (M/S).

5. The writ petition is, accordingly, disposed of.