

(2016) 05 SHI CK 0069
In the High Court Of Himachal Pradesh
Case No : CWP No. 3131 of 2014

Dr. J.S. Chauhan

APPELLANT

Vs

State of Himachal Pradesh and others

RESPONDENT

Date of Decision : 06-05-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) LatestHLJ(HP) 596 : (2016) LIC 3561

Hon'ble Judges : Mr. Mansoor Ahmad Mir, C.J. and Mr. Tarlok Singh Chauhan, J.

Bench : Division Bench

Advocate : Mr. Ashwani Sharma-II, Advocate, for the Appellant; Mr. M.A. Khan and Mr. Romesh Verma, Additional Advocate Generals with Mr. J.K. Verma, Deputy Advocate General. in CWP No. 3131 of 2014, Mr. Shrawan Dogra, Senior Advocate with Mr. Kush Sharma, Advocate.

Final Decision : Dismissed

Judgement

Mr. Tarlok Singh Chauhan, J.—Since common questions of law and facts are involved in these writ petitions, they are taken up together for hearing and are being disposed of by a common judgment.

2. Both the petitioners seek to assail the appointment of Dr. K.K. Katoch as Vice Chancellor of Choudhary Sarwan Kumar Himachal Pradesh Krishi Vishvavidyalay, Palampur on identical grounds taken in the writ petitions. Civil Writ Petition No. 3131 of 2014 has been filed with the following prayers:-

"A. Writ of mandamus may kindly be issued by directing respondent authorities to constitute independent departmental enquiry to look into the credentials/ testimonials submitted by respondent No. 6 either through CV on internet or hard copy and check its genuineness/authenticity and submit detailed report before this Hon"ble Court in time bound manner and further, during the pendency of enquiry the services of respondent No. 6 be suspended in accordance with provisions contained in Section 24(3-a) of its Act, by competent authority, by General or Special Order, by placing the Vice Chancellor under

suspension,

(a) Where an enquiry under sub-Section (6) of this section is contemplated or is pending; or

(b) Where in the opinion of the Chancellor, he has engaged himself in activities prejudicial to the interest of the University; or

(c) Where a case against him in respect of any criminal offence is under investigation, inquiry or trial; or

(d) Where his continuation in office will prejudice the investigation, enquiry or trial (e.g. apprehended tampering with documents or to influence witnesses) and further, during the pendency of inquiry his services may kindly be suspended in accordance with provisions contained in Statute 8.3 sub-clause (4) which contains that the competent authority may place an employ under suspension pending an enquiry if it is satisfied that there is a prima-facie case against him or in subordination, intemperance or other misconduct, or any breach or non performance of his duties or non-compliance with any of the provisions of the conduct rules applicable to him. Further, if respondent No. 6 found guilty of playing fraud then respondent No. 1 and 2 be directed to quash his appointment and conduct fresh appointment in accordance with UGC regulations, 2010 contained in regulation 7.3.0 titled as Vice Chancellor in a transparent & proactive disclosure manner and most competent person known for uncompromising attitude, integrity, Eminent Educationist and person of high moral standard and character be appointed as its Vice Chancellor.

B. Writ of Certiorari may kindly be passed by directing the respondents to quash the provisions contained in Section 24 of Himachal Pradesh Universities of Agriculture, Horticulture and Forestry Act, 1986 wherein, the procedure for appointment of Vice-Chancellor is contained, as the same is not in conformity/ consonance with UGC 7.3.0 regulation and Further, Writ of Mandamus be issued by directing the respondent Authorities to make amend section 24 of its Act to the extent to make it in consonance with UGC 7.3.0 regulation titled as Vice Chancellor.

C. Writ of Certiorari may kindly be passed by calling the whole record of case and any other Order, direction may kindly be passed as deems fit in the nature of facts and circumstanced mentioned herein in below."

3. In so far as Civil Writ Petition No. 4210 of 2014 is concerned, only the reliefs A and C as contained in CWP No. 3131 of 2014 have been prayed for.

CWP No. 3131 of 2014

4. CWP No. 3131 of 2014 has been filed at the instance of a person who himself did not compete for the post of Vice Chancellor and is therefore, in the nature of public interest in a service matter. As evident from the prayer clauses reproduced herein above, the petitioner has not sought a writ of quo warranto for quashing

the appointment of Dr. K.K. Katoch.

5. It is more than settled that public interest litigation in service matter is not maintainable except by way of a writ of quo warranto. Reference in this regard can conveniently be made to the judgment of Hon"ble Supreme Court in Hari Bansh Lal v. Sahodar Prasad Mahto and others (2010) 9 SCC 655:-

"PIL in service matters:

11. About maintainability of the Public Interest Litigation in service matters except for a writ of quo warranto, there are series of decisions of this Court laying down the principles to be followed. It is not seriously contended that the matter in issue is not a service matter. In fact, such objection was not raised and agitated before the High Court. Even otherwise, in view of the fact that the appellant herein was initially appointed and served in the State Electricity Board as a Member in terms of Section 5(4) and from among the Members of the Board, considering the qualifications specified in sub-section (4), the State Government, after getting a report from the vigilance department, appointed him as Chairman of the Board, it is impermissible to claim that the issue cannot be agitated under service jurisprudence.

12. We have already pointed out that the person who approached the High Court by way of a Public Interest Litigation is not a competitor or eligible to be considered as a Member or Chairman of the Board but according to him, he is a Vidyut Shramik Leader. Either before the High Court or in this Court, he has not placed any material or highlighted on what way he is suitable and eligible for that post.

13. In Dr. Duryodhan Sahu and Others v. Jitendra Kumar Mishra and Others, (1998) 7 SCC 273, a three-Judge Bench of this Court held: (SCC p. 281, para 18)

"10?...if public interest litigations at the instance of strangers are allowed to be entertained by the Tribunal, the very object of speedy disposal of service matters would get defeated". In para 21, this Court reiterated as under: (SCC p. 283)

"21. In the result, we answer the first question in the negative and hold that the Administrative Tribunal constituted under the Act cannot entertain a public interest litigation at the instance of a total stranger."

14. In Ashok Kumar Pandey v. State of W.B., (2004) 3 SCC 349, this Court held thus: (SCC pp. 358-59, para 16)

"16. As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that courts are flooded with a large number of so-called public interest litigations where even a minuscule percentage can legitimately be called public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in a large number of cases, yet unmindful of the real intentions and objectives, courts are entertaining such petitions and wasting

valuable judicial time which, as noted above, could be otherwise utilised for disposal of genuine cases. Though in *Duryodhan Sahu (Dr) v. Jitendra Kumar Mishra* this Court held that in service matters PILs should not be entertained, the inflow of so-called PILs involving service matters continues unabated in the courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Whenever such frivolous pleas are taken to explain possession, the courts should do well not only to dismiss the petitions but also to impose exemplary costs. It would be desirable for the courts to filter out the frivolous petitions and dismiss them with costs as afore stated so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts." The same principles have been reiterated in the subsequent decisions, namely, *Dr. B. Singh v. Union of India and Others*, (2004) 3 SCC 363, *Dattaraj Nathuji Thaware v. State of Maharashtra and Others*, (2005) 1 SCC 590 and *Gurpal Singh v. State of Punjab and Others*, (2005) 5 SCC 136.

15. The above principles make it clear that except for a writ of quo warranto, Public Interest Litigation is not maintainable in service matters."

6. Similar reiteration of law is found in a recent judgment delivered by this Bench in *Smriti Gupta and another v. State of H.P. and others*, 2016, Latest HLJ 191.

7. In view of the aforesaid exposition of law, it can conveniently be held that once the petitioner is not having any existing right to any post and is further not intrinsically concerned with any service matter, he is, therefore, not entitled to file and maintain the instant petition in public interest.

CWP No. 4210 of 2014

8. The petitioner in CWP No. 4210 of 2014 had duly participated in the selection process of Vice Chancellor and has now questioned the appointment of Dr. K.K. Katoch, respondent No. 5 herein, on the ground that respondent No. 5 had submitted fraud/misleading facts and unethically claimed many such research publications and achievements/accomplishments, which in fact were totally false and has, therefore, been illegally appointed as Vice Chancellor of respondent No. 4-University.

9. At this stage we may note that no notice of the petition was issued by this Court upon respondent No. 5 calling for his reply, but the notice was confined only to respondents No. 1 to 4.

10. In so far as respondents No. 1 and 2 are concerned, they in their joint reply have raised preliminary objections regarding maintainability and locus standi etc. It is further pointed out that the petitioner in CWP No. 3131 of 2014 as well as

one Sh. Himanshu Mishra had made a similar complaint containing the same allegations as contained in this writ petition to the Hon''ble Governor (Chancellor) raising therein the identical allegations as set out in the present writ petition with respect to the appointment of respondent No. 5. The Hon''ble Chancellor had sent these objections to the administrative department for considering the same, which in turn appointed a committee consisting of three members namely;

(i) Dr. Jagmohan Singh Chauhan, Ex.Vice Chancellor, Dr. Y.S. Parmar University, Horticulture and Forestry, Nouni, District Solan, H.P.

(ii) Dr. Rajinder Singh Chauhan, Pro-Vice Chancellor, H.P. University Summer Hill, Shimla and

(iii) Dr. B.S. Thakur, Associate Director, Dr. Y.S. Parmar University of Horticulture & Forestry, Nouni, District Solan, H.P.

The aforesaid committee had been appointed to look into the aforesaid objections and comprised persons of high repute and experts in their respective fields. The expert body looked into each and every objection and thereafter submitted its report that there was no irregularity or illegality in the appointment of respondent No. 5 as Vice Chancellor.

11. Earlier to that, on completion of the tenure by the former Vice Chancellor, a selection committee was constituted by the Hon''ble Governor, Himachal Pradesh, being the Chancellor of the University. Total 37 candidates had applied for the post of Vice Chancellor and the committee after assessing the academic and scientific accomplishments, recognitions, awards, their established leadership in agricultural education and research and the administrative ability of 37 candidates had recommended a panel of 3 candidates for the post of Vice Chancellor. This panel included respondent No. 5, Dr. Pradeep Kumar Sharma and Dr. Shyam Kumar Sharma. Based on such recommendations, the Hon''ble Chancellor vide order dated 31.7.2013 appointed respondent No. 5 as Vice Chancellor.

12. The Registrar of the University who has been arrayed as respondent No. 4 has filed separate reply, containing similar averments as have been made by respondents No. 1 and 2 in their reply.

13. This Court on dated 23.12.2014 passed the following order:-

"List for final disposal on 10th March, 2015. In the meantime, parties are at liberty to complete pleadings and to place on record additional documents, if any."

14. Pursuant to the aforesaid order, respondent No. 1 filed supplementary affidavit and placed on record the fact finding report submitted by the Committee appointed by the Hon''ble Chancellor vide notification dated 18th July, 2014.

15. Notably, the petitioner has neither filed any counter affidavit nor has independently assailed the same by amending the writ petition. We have heard

the learned counsel for the parties and have also gone through the records of the case.

16. The first and foremost question that falls for consideration is the scope of judicial review in matters of appointment to the post Vice Chancellor, which has admittedly been made by a panel of experts having technical experience and high academic qualification.

17. In *The University of Mysore and another v. C.D. Govinda Rao and Another*, AIR 1965 SC 491, the Constitution Bench of the Hon"ble Supreme Court unanimously held that normally the Courts should be slow to interfere with the opinions expressed by the experts particularly in a case when there is no allegation of mala fides against the experts who had constituted the Selection Board. The court further observed that it would normally be wise and safe for the courts to leave the decisions of academic matters to the experts who are more familiar with the problems they face than the courts generally can be.

18. In *Dr. M.C. Gupta & others v. Dr. Arun Kumar Gupta & Others* (1979) 2 SCC 339, while setting aside the judgment of the High Court the Hon"ble Supreme Court reminded the High Court that it would normally be prudent and safe for the Courts to leave the decision of academic matters to experts. It is apt to reproduce para the following observations:-

"7.When selection is made by the Commission aided and advised by experts having technical experience and high academic qualifications in the specialist field, probing teaching research experience in technical subjects, the Courts should be slow to interfere with the opinion expressed by experts unless there are allegations of mala fides against them. It would normally be prudent and safe for the Courts to leave the decision of academic matters to experts who are more familiar with the problems they face than the Courts generally can be..."

19. In *Dr. J.P. Kulshreshta & Others v. Chancellor, Allahabad University & Others* (1980) 3 SCC 418, the Hon"ble Supreme Court observed that the Court should not substitute its judgment for that of the academicians. It is apt to reproduce the relevant observation, which reads thus:-

"17. Rulings of this Court were cited before us to hammer home the point that the court should not substitute its judgment for that of academicians when the dispute relates to educational affairs. While there is no absolute ban, it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies....."

20. In *Maharashtra State Board of Secondary and Higher Secondary Education & Another v. Paritosh Bhupeshkumar Sheth & Others* (1994) 4 SCC 27, the Hon"ble Supreme held as under:-

"29. ... As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by

professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them."

21. In *Neelima Mishra v. Harinder Kaur Paintal & Others* (1990) 2 SCC 746, the Hon"ble Supreme Court after relying on the judgment of *University of Mysore* (supra) observed that in the matter of appointments in the academic field, the Court generally does not interfere. The Hon"ble Supreme Court further observed that the High Court should show due regard to the opinion expressed by the experts constituting the Selection Committee and its recommendation on which the Chancellor had acted.

22. In *Bhushan Uttam Khare v. Dean, B.J. Medical College & Others* (1992) 2 SCC 220, the Hon"ble Supreme Court after placing reliance on the Constitution Bench decision in *University of Mysore* (supra), reiterated the same legal position and observed as under:-

"8. ... the Court should normally be very slow to pass orders in its jurisdiction because matters falling within the jurisdiction of educational authorities should normally be left to their decision and the Court should interfere with them only when it thinks it must do so in the interest of justice. ..."

23. In *Dalpat Abasaheb Solunke & Others v. Dr. B.S. Mahajan & Others* (1990) 1 SCC 305, the Hon"ble Supreme Court in somewhat similar matter observed thus:-

"12... It is needless to emphasise that it is not the function of the court to hear appeals over the decisions of the Selection Committees and to scrutinise the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection etc. It is not disputed that in the present case the University had constituted the Committee in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so called comparative merits of the candidates as assessed by the court, the High Court went wrong and exceeded its jurisdiction."

24. In *The Chancellor & Another etc. v. Dr. Bijayananda Kar & Others* (1994) 1 SCC 169 the Hon"ble Supreme Court has observed as under:-

"9. This Court has repeatedly held that the decisions of the academic authorities should not ordinarily be interfered with by the courts. Whether a candidate fulfils the requisite qualifications or not is a matter which should be entirely left to be

decided by the academic bodies and the concerned selection committees which invariably consist of experts on the subjects relevant to the selection...."

25. In *J&K State Board of Education v. Feyaz Ahmed Malik & Others* (2000) 3 SCC 59, the Hon''ble Supreme Court, while stressing on the importance of the functions of the expert body observed that the expert body consisted of persons coming from different walks of life who were engaged in or interested in the field of education and had wide experience and were entrusted with the duty of maintaining higher standards of education. The decision of such an expert body should be given due weightage by courts.

26. In *Medical Council of India v. Sarang & Others* (2001) 8 SCC 427, the Hon''ble Supreme Court again reiterated the legal principle that the Court should not normally interfere or interpret the rules and should instead leave the matter to the experts in the field.

27. In *B.C. Mylarappa alias Dr. Chikkamylarappa v. Dr. R. Venkatasubbaiah & Others* (2008) 14 SCC 306, the Hon''ble Supreme Court again reiterated legal principles and observed regarding importance of the recommendations made by the expert committees.

28. In *Rajbir Singh Dalal (Dr.) v. Chaudhari Devi Lal University, Sirsa & Another* (2008) 9 SCC 284, the Hon''ble Supreme Court reminded that it is not appropriate for the Supreme Court to sit in appeal over the opinion of the experts.

29. In *All India Council for Technical Education v. Surinder Kumar Dhawan & Others* (2009) 11 SCC 726, the Hon''ble Supreme Court again reiterate the legal position that it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies.

30. In *Basavaiah (Dr.) v. Dr. H.L. Ramesh* (2010) 8 SCC 372, the law on the subject has been lucidly explained by the Hon''ble Supreme Court and it has been reiterated that the judgment delivered by the Constitution Bench and other Benches must be respected and relied upon with meticulous care and sincerity. It was re-iterated that in academic matters Courts have very limited role, particularly when no mala fides have been alleged against the experts constituting the selection committee.

31. In *Rameshwar Dass Mehla v. Om Prakash Saini and others* (2010) 15 SCC 790, after relying upon *University of Mysore's* case (supra), the Hon''ble Supreme Court held that equivalence of two qualifications is a question on purely an academic matter and the view taken by the selection committee cannot be subject matter of judicial review. It was further held that in academic matters, particularly pertaining to qualifications the view taken by the experts would be final.

32. On a conspectus of the case law on the subject, it can be taken to be well settled that scope of judicial review of the recommendations of the Selection

Committee is very limited since the Selection Committee normally consists of experts. The Hon"ble Supreme Court has repeatedly held that the Courts should be very slow to interfere with the opinion of the Selection Committee, particularly when such a Committee consisted of experts being men of high status and also of unquestionable integrity and the Courts will not assess the relative merits of the candidates interviewed by the Selection Committee. This Court will not generally sit in appeal over the opinion expressed by the expert academic body and normally it is wise and safe for the Courts to leave the decision of academic experts who are more familiar with the problem they face, than that the Courts generally are.

33. It can further be taken to be well settled legal position that the Courts have to show deference and consideration to the recommendation of an expert committee consisting of distinguished experts in the field, particularly when the experts have evaluated the qualification, experience and published work and thereafter made recommendation for appointment, unless there are allegations of malafide against the experts who had constituted the Selection Committee.

34. Judicial review in such case is limited to oversee whether the appointment had contravened any statutory or binding rule or ordinance. The Court should show due regard to the opinion expressed by the experts constituting the Selection Committee and its recommendations.

35. Adverting to the facts, it is abundantly clear from the affidavit filed by the respondents that the Expert Committee had carefully examined and scrutinised the qualification, experience and published work of respondent Dr. K.K. Katoch before recommending his name along with two other candidates for the post of Vice Chancellor. Therefore, in absence of any allegations of malafide against the experts, this Court would not sit in appeal over the unanimous recommendations of the Selection Committee.

36. Apart from the above, it would also be noticed that the other relief claimed by the petitioner was to direct the respondents to constitute an independent departmental inquiry to look into the credentials/testimonials, publications etc. submitted by respondent No. 5. This request of the petitioner, as observed earlier has already been acceded to by constituting a Committee, who have found nothing wrong in the recommendations made by the experts and in fact the complaints made by the petitioner in CWP No. 3131 of 2014 and Sh. Himanshu Mishra were not found to be substantiated or proved.

37. This is clearly evident from the operative portion of the report, which reads thus:-

"Based on the above detailed examination of the case, Committee has come to the following conclusions:-

1. Dr. Katoch was given the charge of different Statutory posts viz., Director of Extension Education, Dean, Post-Graduate Studies, Librarian of the university by

the competent authority i.e. Vice-Chancellor in exercise of the powers vested in him under the decision of Board of Management of the University with stipulation that he will exercise all the powers including statutory powers as are vested in full-fledged incumbent of the post. Therefore, Dr. Katoch has all the right to include this fact in his bio-data. He has claimed the experience of the posts which he has had held under the order of the competent authority and thus, the complaint is baseless and false.

2. Dr. Katoch has given the details of publications/authorships/publishers etc. based on the documents available and there is no iota of truth that Dr. Katoch has made any false or fictitious claims as alleged in the complaint and as such there is no point of doing any academic/professional fraud anywhere in the entire bio-data.

3. The details given by Dr.Katoch (page-9)i) regarding overseeing the twelve Krishi Vigyan Kendras is based on documentary evidence. No doubt, there are eight Krishi Vigyan Kendras under CSKHP Krishi Vishvavidyalaya, Palampur, but the Zonal Coordinator, ICAR at PAU Campus, Ludhiana had given the responsibility of overseeing the function/activities of all the twelve KVKs of the State, which Dr. Katoch has carried out as is evidenced from the documents placed on record.

4. The Committee further went into the details of the bio-data and affirmed the role of Dr. Katoch in institutional build up, adoption of ISO standards in the Directorate of Extension Education, role in fetching worth crores of rupees on projects from the Department of Rural Development and other Departments, Himachal Organic Farmers Forum (HOFF), planning for certificate courses for entrepreneurship, etc. It is gathered from the documents on record that there is well adduced proofs on each every detail included by Dr. Katoch in his bio-data. Thus, the allegations made in the complaint are not based on the facts but also misleading and far from truth. The Committee, therefore, is of the opinion that on the basis of established practices and protocols, the allegations made by Sh. Hemanshu Misra, B.J.P. State Media Coordinator are not based on the facts. Dr. K.K. Katoch has not concealed and misrepresented any facts in his bio-data. The complaint of Dr. J.S. Chauhan, village Rodi, P.O. Thakurdwara, Tehsil Palampur, District Kangra submitted to the Secretary to Governor-cum-Chancellor (CSKHPKV) regarding the awards and recognitions claimed by Dr. K.K. Katoch as mentioned in the bio-data was examined by the committee. The committee is of the opinion that the Merit Certificate, Gold Medal, Honours Certificate, Vice-Chancellor's appreciation Awards, Himachal Kesri Award and recognition of DEE by ICAR for best management of KVKs in Himachal Pradesh come under the category of Awards and Recognition. Further Agricultural Research Services (ARS) is an additional qualification other than degree course as this examination is conducted at National Level by Agriculture Scientists Recruitment Board, New Delhi.

Therefore, the Committee is of the opinion that the above allegations levelled by

Dr. J.S. Chauhan are incorrect and baseless."

38. There is no dispute that the experts so constituted to look into the complaint were distinguished experts, apart from being people of eminence and of high status and therefore, this Court would otherwise have been slow to interfere with the findings rendered by such experts. But here even such an occasion does not arise for the simple reason that the petitioner has not even questioned or assailed the report submitted by the experts and in absence thereof, we have no option, but to conclude that he was satisfied with the report submitted by the Committee.

39. It would be evident from the above discussion that both the petitioners never approached this Court with clean hands. This Court in exercise of its extraordinary jurisdiction, is a Court of equity and any person approaching it is expected to come not only with clean hands, but also with clean mind, clean heart and with clean objective. He who seeks equity must do equity. The judicial process cannot become an instrument of oppression or abuse or a means in the process of Court to subvert justice for the reasons that the Courts exercise jurisdiction only in furtherance of justice. The interest of justice and public interest coalesce and therefore, they are very often one and the same.

40. The Hon'ble Supreme court in its recent decision in SLP (C) Nos. 33429-33434 of 2010, Messer Holdings Ltd. v. Shyam Madanmohan Ruia and others with SLP (C) Nos. 23068-23090 of 2012, decided on 19th April, 2016 took notice of abuse of judicial process by unscrupulous litigants with money power, that too all in the name of legal rights by resorting to half-truths, misleading representations and suppression of facts, wasting the precious time of Courts, that too in the name of "fight for justice". It then proceeded to impose exemplary costs of Rs. 25,00,000/- (Rupees twenty five lakhs) to be paid by each of the three parties. It is apt to reproduce the following observations:-

"43. The net effect of all the litigation is this. For the last 18 years, the litigation is going on. Considerable judicial time of this country is spent on this litigation. The conduct of none of the parties to this litigation is wholesome. The instant SLPs arise out of various interlocutory proceedings. Arguments were advanced on either side for a period of about 18 working days as if this Court were a Court of Original Jurisdiction trying the various above-mentioned suits. The fact remains that in none of the suits even issues have been framed so far. The learned counsel appearing for the parties very vehemently urged that there should be a finality to the litigation and therefore this Court should examine every question of fact and law thrown up by the enormous litigation. We believe that it is only the parties who are to be blamed for the state of affairs. This case, in our view, is a classic example of the abuse of the judicial process by unscrupulous litigants with money power, all in the name of legal rights by resorting to half-truths, misleading representations and suppression of facts. Each and every party is guilty of one or the other of the above-mentioned misconducts. It can be demonstrated (by a more elaborate explanation but we

believe the facts narrated so far would be sufficient to indicate) but we do not wish to waste any more time in these matters.

44. This case should also serve as proof of the abuse of the discretionary Jurisdiction of this Court under Article 136 by the rich and powerful in the name of a fight for justice at each and every interlocutory step of a suit. Enormous amount of judicial time of this Court and two High Courts was spent on this litigation. Most of it is avoidable and could have been well spent on more deserving cases. This Court in *Ramrameshwari Devi & Others v. Nirmala Devi & Others*, (2011) 8 SCC 249 observed at para 54;

"54. While imposing costs we have to take into consideration pragmatic realities and be realistic as to what the defendants or the respondents had to actually incur in contesting the litigation before different courts. We have to also broadly take into consideration the prevalent fee structure of the lawyers and other miscellaneous expenses which have to be incurred towards drafting and filing of the counter-affidavit, miscellaneous charges towards typing, photocopying, court fee, etc."

45. We therefore, deem it appropriate to impose exemplary costs quantified at Rs.25,00,000.00 (Rupees Twenty Five Lakhs only) to be paid by each of the three parties i.e. GGL, MGG and RUIAS. The said amount is to be paid to National Legal Services Authority as compensation for the loss of judicial time of this country and the same may be utilised by the National Legal Services Authority to fund poor litigants to pursue their claims before this Court in deserving cases."

41. Similar reiteration of law is found in a recent judgment delivered by this Court on 19.4.2016 in CWP No. 4240 of 2015, titled *Om Prakash Sharma v. State of H.P. and others*.

42. In view of the aforesaid discussion, not only is there no merit in these petitions, but the same are also frivolous and have only resulted in wastage of precious Court time. Even the respondents have unnecessarily been dragged into otherwise avoidable litigations.

43. Accordingly, both these writ petitions are dismissed with costs of Rs. 50,000/- each to be paid by the petitioners to respondent No. 4-University within a period of three months, failing which respondent No. 4 shall be at liberty to recover the costs by executing this order before this Court. The petitions are disposed of in the aforesaid terms, so also the pending application(s), if any.