

(2022) 08 DEL CK 0040

In the Delhi High Court

Case No : Civil Writ Petition No. 11634 Of 2022

Manoj Sharma

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 08-08-2022

Acts Referred:

Citation : (2022) 08 DEL CK 0040

Hon'ble Judges : Satish Chandra Sharma, CJ; Subramonium Prasad, J

Bench : Division Bench

Advocate : Amardeep Kaur, Harshal Gupta, Santosh Kumar Tripathi, Arun Panwar, Siddharth Krishna Dwivedi, Aditya S. Jadhav, Pradyumn Rao, Pradeep, Manisha Singh

Final Decision : Dismissed

Judgement

Satish Chandra Sharma, CJ

C.M. No. 34510/2022

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

W.P.(C) 11634/2022

3. The present Petition has been filed as Public Interest Litigation (PIL) by Mr. Manoj Sharma, against Delhi Public School Society (DPSS) without impleading the DPSS as Respondents.

4. The Petitioner in the Writ Petition has made allegations against the Chairman of the Society – Sh. V. K. Shunglu, and has gone to the extent in saying that the Chairman, DPSS has cheated the Government of India.

5. The Petitioner has also raised a grievance in respect of the elections of the Society, and after alleging mismanagement of the Society, which is registered under the Society Registration Act, 1860, has prayed for the following reliefs:

”

(i) Pass an appropriate order/s, direction/s to appoint an administrator who may be a Retired Judge of the Hon’ble Supreme Court to oversee the day-to-day affairs of the Society till the time a fair and transparent body of member is inducted in the DPSS; and

(ii) Pass an appropriate order/s, direction/s to Direct Forensic Audit of the accounts of the Society; and

(iii) Pass an appropriate order/s, direction/s freezing the bank account of the Society and the same may be managed by the Administrator or any other person appointed by the Administrator; and

(iv) Pass an appropriate order/s, direction/s directing immediate suspension the Chairman, Vice-Chairman, Working Committee and seize the powers of the members of the Society; and ”

6. This Court has heard Learned Counsel appearing for the petitioner at length and Learned Counsel was fair enough in admitting that the Writ Petition has been filed without impleading the DPSS as respondents.

7. There is an allegation in respect of mismanagement in respect of elections of the Society, and a prayer has been made for suspension of Chairman, Vice-Chairman, Working Committee, and appointment of Retired Judge of the Hon’ble Supreme Court as administrator.

8. In the considered opinion of this Court, the Petitioner wants roving inquiry in respect of DPSS. He wants suspension of the Chairman, Vice-Chairman, Working Committee without impleading them as Respondents, and he wants that a Retired Judge of the Supreme Court should take over the administration of the Society.

9. This Court is of the considered opinion that such a relief cannot be granted to the Petitioner in a PIL, and in case there is an election dispute, the same can be looked into before appropriate forum and not in a PIL filed at the instance of the Petitioner – who has filed the PIL.

10. So far as the removal of the Chairman and other Office Bearers is concerned, the same cannot be done at the behest of the Petition that too without hearing the persons whose removal have been sought in the matter.

11. The Petitioner wants a roving inquiry to be done in respect of the DPSS, and this Court does not find any reason to grant the relief as prayed for in the Writ Petition.

12. Resultantly, the Writ Petition stands dismissed at the admission stage itself.