

(2013) 07 DEL CK 0549

In the Delhi High Court

Case No : Writ Petition (C) No. 5262 of 2012

National Students Front and Another

APPELLANT

Vs

Jawaharlal Nehru University and Another

RESPONDENT

Date of Decision : 22-07-2013

Acts Referred:

Citation : (2013) 07 DEL CK 0549

Hon'ble Judges : Valmiki J Mehta, J

Bench : Single Bench

Advocate : B.S. Narwal, petitioner No. 2 in person, for the Appellant; Mohinder J.S. Rupal, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Valmiki J Mehta, J.—This writ petition is filed by the two petitioners. First petitioner is the National Students Front. Second petitioner is Sh. B.S. Narwal who has appeared in person and argued the case on behalf of the petitioners. The relief claimed in the writ petition, which on its own was not decipherable, reads as under:-

(A) May this Honourable Court be pleased to issue a writ of mandamus to quash an impugned decision of the Jawaharlal Nehru University Vice-Chancellor which is numbered as JNU/LC/ADMN-IV/2260 dated 29th May 2012 read with an Office Order Number 117 of 2006 dated 20th DECEMBER 2006 along with such other consequential orders, so that, the JNUVC can be compelled to issue a Cancellation Notification in terms of an analogous stipulation extracted at Page Number 20 herein in this Civil Writ Petition along with the Notification Number 452 [S.O. 565 (E)] dated 15th MARCH 2011 published by Authority in an Extraordinary Gazette of India Part II-Section 3-sub-section (ii)

2. On further queries to the parties what comes out is that petitioners claim that appointment of Dr. Muttayya M. Koganuramath as Librarian by the respondent No. 1/Jawaharlal Nehru University was illegal and therefore this person should

not only be allowed to submit his resignation but also his appointment itself should be cancelled. Petitioner No. 2 also makes an oral prayer before this Court that respondent No. 1 should be directed to issue a notification for cancellation of the appointment of said Dr. Muttayya M. Koganuramath.

3. At the outset, I note that what is the composition of the petitioner No. 1, namely National Students Front, is not before this Court. Who and what numbers are its members is not known. What are its objects and purposes in terms of required provisions are also not found by means of documents filed in this Court. Petitioner No. 2 says that he is a Professor of the respondent No. 1-University, and how can a Professor be a member of a Students' body is not intelligible. Also, how petitioner No. 2 can represent the petitioner No. 1 is not found on the record of this Court though petitioner No. 2 claims that he has power of attorney from the petitioner No. 1 in his favour and which is filed in another case. As already stated unless all the members of the petitioner No. 1 have given an authorization to the petitioner No. 2, who appears in person, I do not think that petitioner No. 2 can represent the petitioner No. 1. In view of the above facts, the main issue is with respect to locus standi of both the petitioners to claim representation of appointment of Dr. Muttayya M. Koganuramath, and it is held that none of the petitioners have any locus standi because they are not administration or management or controlling authority of the respondent No. 1. Also, petitioner No. 2 is not in any manner an aspirant for the post of Librarian to which Dr. Muttayya M. Koganuramath was appointed, and as conceded before me by petitioner No. 2.

4. I may note that a Division Bench of this Court in LPA No. 2044/2006 referred to the order which was passed by a the Division Bench while dealing with the writ petition which was challenged in the LPA, and para 2 of the order of the Division Bench reads as under:-

2. Before we deal with merits of the issue, we would like to focus on the locus of the Petitioners in filing the present petition. The Petitioner No. 1 is a student organization under Statute 33 of the JNU Act 1986 stated in paragraph 5 of the petition. The Petitioner No. 2 appears to be an Advocate. He has not described his status and connection with the Petitioner No. 1 in the petition, but on our asking he has orally informed us that he is the President of Students Union. In paragraph 2, however, he has stated that he is a Case-Law-Authority. We are, however, unable to understand as to how an Advocate, who is enrolled with the Bar Council of Delhi, could become the President of Student Union. Whether the constitution of the students' body permits an Advocate to become a President of the Students Union is also not placed before us and, therefore, we cannot comment upon the same.

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The Petitioner No. 2 appears to be aggrieved, but for reasons unknown to us. He has no connection at all with the functioning and management of the University,

his vocation being that of an Advocate. So far as the question of recovery of the salary from Dr. Muttayya M. Koganuramath is concerned, he has rendered his service to the University as a librarian which was accepted and therefore, there is no possibility and question of recovery of any money from him.

5. It may be noted that the writ petition filed by the petitioners in that case, and who are also admittedly the petitioners before me, was dismissed with costs of Rs. 20,000/- recoverable as arrears of land revenue and which costs I am told by the petitioner No. 2 have been paid. The same petitioners had also filed another writ petition being W.P. (C) No. 9021/2007 challenging the appointment of one Mr. Avais Ahmed as Registrar of the University and that writ petition was also dismissed inter alia with the following observations:-

In the present petition also, the Petitioner No. 2, who appears to be an Advocate, has not described his status and connection with the Petitioner No. 1 in the petition. In the opinion of this Court, the Petitioners have no locus standi challenge the appointment of Registrar Respondent No. 2 vide Impugned Order dated 7.10.2005. Even otherwise the Petitioner No. 2, present in person, on being repeatedly asked, could not point out any infirmity in the appointment of Respondent No. 3 Mr. Avais Ahmed as Registrar of Respondent No. 2 University vide Impugned Order dated 7.10.2005. Upon hearing the Petitioner and on going through the contents of the petition, this Court is of the view that the Petitioner, being an Advocate, is exploiting the legal system for reasons best known to him". He has no locus standi to challenge the appointment of Registrar made by Respondent No. 2 University made by Respondent No. 2 University vide Impugned Order dated 7.10.2005. The Writ Petition is a misuse of the legal process and has no merit.

6. The writ petition being W.P. (C) No. 9021/2007 was also dismissed with costs of Rs. 25,000/-. As per the statement made by petitioner No. 2 even these costs have been paid. Petitioners have therefore paid, according to them, a sum of Rs. 45,000/- as costs to respondent No. 1-University. Probably the coffers of the petitioners are large, and once again this writ petition is filed without any locus standi whatsoever. I have already reproduced the observations of the Division Bench while dismissing the writ petition bearing No. 1350/2008 which was challenged in LPA No. 2044/2006. Both these orders have become final. Of course, the order passed in W.P. (C) No. 9021/2007 is said to be pending before the Supreme Court as Supreme Court has directed leave for hearing, however that at best would mean that SLP which has been filed would be considered in due course.

7. I am of the opinion that repeated litigations initiated without locus standi quite clearly is unacceptable. Before proceeding to write the judgment, I asked the petitioner No. 2, who appears in person, as to whether he invites a judgment from this Court, and to which petitioner No. 2 answered in affirmative that the judgment be passed. I am of the opinion that whether at all a simple notification (and not a gazette notification) should be issued or not by the respondent No. 1-

University qua the cancellation of appointment of Dr. Muttayya M. Koganuramath is an aspect which will be dealt with and considered by the appropriate authorities in the respondent No. 1-University. Merely because, petitioners may either be students in the respondent No. 1 or even a Professor in the respondent No. 1 will not mean that they have taken over the administration of the respondent No. 1. Administration of respondent No. 1, surely is in safe hands and I need not entertain petition of busy bodies who do not seem to understand their lack of locus standi in spite of earlier petitions being dismissed with costs. Petitioners can have locus standi only if their legal rights are infringed, and since no legal rights of the petitioners are infringed, petitioners have no locus standi to file this writ petition. In view of the above, this writ petition is dismissed with costs of Rs. 1 lakh. Costs can be recovered by the respondent No. 1-University in accordance with law from the petitioners.