

**(1994) 05 PAT CK 0010**  
**In the Patna High Court**  
**Case No : C.W.J.C. No. 6813 of 1993**

|                                                          |            |
|----------------------------------------------------------|------------|
| President, Mahavidyalaya Shiksha Sudhar Sangharsh Samiti | APPELLANT  |
| Vs                                                       |            |
| State of Bihar and Others                                | RESPONDENT |

**Date of Decision :** 17-05-1994

**Acts Referred:**

Civil Procedure Code, 1908 (CPC) — Section 35  
Constitution of India, 1950 — Article 226

**Citation :** AIR 1995 Patna 7 : (1994) 42 BLJR 1105 : (1994) 2 PLJR 322

**Hon'ble Judges :** K.S. Paripoornan, C.J.;A.K. Ganguly, J

**Bench :** Division Bench

**Final Decision :** Dismissed

## Judgement

1. This writ petition purports to be a Public Interest Litigation filed by the President Mahavidyalaya Shiksha Sudhar Sangharsh Samiti, A. N. college, Patna through its President. The prayer is for the issue of a direction to the respondent-State of Bihar, District Magistrate, the police officials, University authorities and the Principal, A.N. College, for vacating Central Reserve Police Force Camp and the Bihar police camping in the premises of the A.N. College, Patna.

2. The petitioner states that on 18-6-1993 the students celebrated the birth day of Bihar Bibhuti Late Anugrah Babu on the Boring Road due to presence of police force in the college premises. According to the petitioner, the students of the college are agitating for removal of the police force from the college campus. The college building and vacant grounds are under the control of the Central Reserve Police Force in collusion with the 5th respondent. The presence of the Central Reserve Police Force in the educational campus cannot be tolerated. Therefore, the prayer is to direct the respondents to vacate the Central Reserve Police Force camp and police Thana from the premises of A.N. College, Patna and for further direction.

3. The 5th respondent, Principal of the College, Sri Madan Murari, has filed a detailed affidavit dated 16-8-1993. The affidavit reveals very important and

salient facts. He states that there is no Mahavidyalaya Shiksha Sudhar Sangharsh Samiti, A.N. College, Patna. Prior to his joining as Principal of the College, there was anarchy in the campus and the College was controlled by anti-social elements. There were about 50 unauthorised persons who resided in the Hostel. Their business was to extract money from innocent students in admissions and examinations and the earning of each of them was about one lakh, The insult of teaching and non-teaching staff was the order of the day. These elements were spreading terror, when the 5th respondent took charge as the Principal, he decided to oust the anti social elements for the campus. He was attacked with bombs and pistols in broad daylight on 30-11-1992. But he was providentially saved. For this ugly mishap, the teachers and non-teaching staff boycotted their work for nearly 20 days. This matter appeared in the press. In the meantime, the Patna Administration intervened and managed to oust anti social elements from the college campus and in the clearing operation the hostel was vacated and the rooms were allotted to different departments for academic purposes. Even then the anti social elements failed to compromise the situation and they started terrorising the teachers, students and non-teaching staff. So, the Patna administration stationed the police force inside the campus in order to tackle these elements and to control the situation. The forces are stationed in an incomplete building of the college. Now the classes are running peacefully. The police is there to check the entry of unruly elements. Teachers and non-teaching staff of the college have resolved that the forces should remain inside the campus for the peaceful atmosphere of teaching work. Finding no other way to enter into the campus, the unruly elements have conspired and have moved this court with a prayer to issue directions so that the police force may be vacated. The 5th respondent has very categorically stated that the so called President of so called Mahavidyalaya Shiksha Sudhar Sangharsh Samiti, A.N. College, Patna was recently arrested by the police in connection with disturbing the peace inside the college campus during evaluation and examination work. The various statements made in the writ petition are stated to be untrue. The police forces are stationed in the outskirts of the college and for the benefit of the students. There is no agitation by the students to remove the police force. On the other hand, the students are pleased to note that criminals do not dare to enter into the college campus now. The so called president is a habitual offender and is involved in several criminal cases. He is on provisional bail. He is responsible for all sorts of incidents in the college.

4. According to the 5th respondent permanent police stations are situated in Gaya College, Gaya. Magadh University campus, Bodh Gaya Nalanda College, Bihar-sharif and others places.

5. The averments made in the counter affidavit filed by the 5th respondent are not denied by filing a reply affidavit by the petitioner. This is a very important aspect to be borne in mind.

6. We heard counsel for the petitioner and the respondents.

7. A bare reading of the counter affidavit filed by the 5th respondent, Principal of the College, a respectable person, inspires confidence in us. We are of the view that the 5th respondent, who is occupying a high position in the college, has undertaken a very serious responsibility and is discharging his duty with great care. The 5th respondent has given a complete picture of the background in which the police force had to be stationed in the out-skirts of the college for the purpose of restoring peace and law and order and to see that that no untowards incident occurs in the college campus. We very much appreciate the steps taken by the Principal and place on record our deep appreciation for the dynamic and bold steps taken by the 5th respondent. We are happy to note that notwithstanding a very unfavourable condition and threat to life, the 5th respondent has taken bold steps to maintain the law and order to make the institution run smoothly and properly.

8. In the circumstances, we are satisfied that the petitioner has really no case. When we questioned the counsel for the petitioner as to whether the petitioner is a student, he could not give a positive reply. He is not a student. The petitioner is also not the parent of any of the student. He seems to be a busy body and has assumed the role of a self-appointed guardian. As to what prompted him and as to why he invoked the jurisdiction of this Court under Article 226 of the Constitution of India praying for granting an unusual relief for removing the police force from the college campus is anybody's guess. The petitioner has no locus standi or business to move this Court. What is more, we are firmly of the view that the petitioner has abused the process of law in invoking the discretionary jurisdiction under Article 226 of the Constitution of India. We apprehend that the attempt of the petitioner is to bring back the state of disorder, create confusion and to bring about a state of lawlessness or terror in the college campus which have been very effectively thwarted by the 5th respondent. In "public interest" any such attempt should be dealt with all firmness and seriousness.

9. We hold that this writ petition is without merit and is filed without bona fides. This is an instance of gross abuse of the process of court. We only add that the hands of the 5th respondent should be strengthened by the state officials and by other authorities concerned in maintaining law and order in the State. If the 5th respondent requires more police force, in whatever form, the State of Bihar and the police officials are bound to offer him the requisite aid at a moment's notice. We direct the State of Bihar, Director General of Police and respondents Nos. 2, 3 and 6 to extend all aid and assistance to the 5th respondent, the Principal of the college, for effective and proper discharge of his work and the responsibility cast on him. If there is lapse on the part of any of the authorities, the 5th respondent is free to move this Court and appropriate action will be taken against erring officials or authorities, as the case may be.

10. Accordingly, this writ petition is dismissed with costs assessed at Rs". 5,000/- (five thousand) payable by the petitioner to the 5th respondent, the

Principal of the college. We are constrained to award such costs in the peculiar circumstances of this case. This order shall be treated as a decree. If the amount as aforesaid is not paid within a period of one month, this order, treated as a decree, shall be enforceable and executable as such. The writ petition is dismissed with costs.

11. The Registrar General of this Court shall send a copy of this judgment for information and appropriate action to;

(1) The Home Secretary, State of Bihar.

(2) The Director General of Police, State of Bihar.