
(2007) 10 UK CK 0015
In the Uttarakhand High Court
Case No : PIL Writ Petition No. 532 of 2007

Santosh Kumar

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 31-10-2007

Acts Referred:

Citation : (2008) 8 UC 681

Hon'ble Judges : Rajeev Gupta, C.J.; J.C.S. Rawat, J

Bench : Division Bench

Advocate : T.S. Phartiyal, for the Appellant; L.P. Naithani, General, Subhash Upadhyaya, Brief Holder for Respondent Nos. 1 and 2 and J.P. Joshi, for the Respondent

Final Decision : Dismissed

Judgement

Rajeev Gupta, C.J.—Mr. L.P. Naithani, Advocate General, with Sri Subhash Upadhyaya, Brief Holder for the Respondents Nos. 1 and 2.

Mr. T.S. Phartiyal, Advocate for the Petitioner.

Mr. J.P. Joshi, Advocate for Respondent Nos. 3 and 4.

They are heard on admission.

2. Petitioner Santosh Kumar has filed this writ petition styled as "Public interest Litigation" for the following reliefs:

i. Issue a writ order or direction in the nature of Mandamus commanding to quash the order of Hon'ble Chancellor dated 22-03-2007 and issue order for getting enquired the entire issues by high level independent agency like Central Bureau of Investigation and further direct the said agency to submit its report before this Hon'ble Court within stipulated period and thereafter, accordingly pass an appropriate order or direction into the matter.

ii. Pass any other and further orders, which this Hon'ble Court may deem fit and

proper in the facts and circumstances of the case.

iii. Award the cost of writ petition to the Petitioner.

3. From the above-quoted relief sought in the writ petition, it is apparent that the Petitioner is seeking quashing of the order dated 22-03-2007 passed by Respondent No. 2 Chancellor, H.N.B. Garhwal University, whereby the Petitioner's representation has been rejected.

4. The Petitioner is an employee of H.N.B. Garhwal University and has filed several writ petitions against the Chancellor, Vice Chancellor of the University and the University styled as "Public Interest Litigation" in the past.

5. The Petitioner is alleging commission of irregularities by the University in the appointment of 92 persons, who were appointed as the land, belonging to them or their family members, was acquired/taken by the University for its expansion.

6. During the course of hearing, when Mr. T.S. Phartiyal, the learned Counsel for the Petitioner was asked to demonstrate from the pleadings in the writ petition as to who are those persons whose appointment is illegal or irregular, the learned Counsel for the Petitioner fairly conceded that the details of those persons have not been disclosed in the writ petition.

7. The Apex Court in the case of S.P. Anand Vs. H.D. Deve Gowda and others, , while deprecating the filing of "Half-Baked Petitions" as Public Interest Litigation, observed in para 18:

18. Before we part, we cannot help mentioning that on issues of constitutional law, litigants who can lay no claim to have expert knowledge in that field should refrain from filing petitions, which if we may say so, are often drafted in a casual and cavalier fashion giving an extempore appearance not having had even a second look. This is the impression that one gets on reading the present petition. It is of utmost importance that those who invoke this Court's jurisdiction seeking a waiver of the locus standi rule must exercise restraint in moving the Court by not plunging in areas wherein they are not well-versed. Such a litigant must not succumb to spasmodic sentiments and behave like a knight-errant roaming at will in pursuit of issues providing publicity. He must remember that as a person seeking to espouse a public cause, he owes it to the public as well as to the court that he does not rush to court without undertaking a research, even if he is qualified or competent to raise the issue. Besides, it must be remembered that a good cause can be lost if petitions are filed on half-baked information without proper research or by persons who are not qualified and competent to raise such issues as the rejection of such a petition may affect third party rights. Lastly, it must also be borne in mind that no one has a right to the waiver of the locus standi rule and the court should permit it only when it is satisfied that the carriage of proceedings is in the competent hands of a person who is genuinely concerned in public interest and is not moved by other extraneous considerations. So also the court must be careful to ensure that the process of

the court is not sought to be abused by a person who desires to persist with his point of view, almost carrying it to the point of obstinacy, by filing a series of petitions refusing to accept the Court's earlier decisions as concluding the point. We say this because when we drew the attention of the Petitioner to earlier decisions of this Court, he brushed them aside, without so much as showing willingness to deal with them and without giving them a second look, as having become stale and irrelevant by passage of time and challenged their correctness on the specious plea that they needed reconsideration. Except for saying that they needed reconsideration he had no answer to the correctness of the decisions. Such a casual approach to considered decisions of this Court even by a person well-versed in law would not be countenanced. Instead, as pointed out earlier, he referred to decisions having no bearing on the question, like the decisions on cow slaughter cases, freedom of speech and expression, uniform civil code, etc.; we need say no more except to point out that indiscriminate use of this important lever of public interest litigation would blunt the lever itself.

8. As the present writ petition has been filed styled as "Public Interest Litigation" by an employee of the University against the University without furnishing the details of those persons, who, according to the Petitioner, were undeserving for the appointments, the writ petition, in our opinion, is liable to be dismissed on this short ground alone in view of the above-quoted dictum of the Apex Court in the case of *S.P. Anand Indore v. H.D. Deve Gowda and Ors.* (supra).

9. The writ petition, therefore, is dismissed summarily.