

**Court No. - 10**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 11342 of 2015

**Petitioner :-** Yaduvir Singh

**Respondent :-** State Of U.P. Thru. Chief Secretary Govt.Of U.P. And 5 Others

**Counsel for Petitioner :-** Saurabh Shankar Srivastav

**Counsel for Respondent :-** C.S.C.

**Hon'ble Pritinker Diwaker, Acting Chief Justice**

**Hon'ble Rajan Roy, J.**

This writ petition was filed on 07.012.2015 as a Public Interest Litigation seeking the following reliefs:-

*"(i) Issue a writ, order or direction in the nature of Certiorari quashing the appointments made by the Opp. Parties No.4 and 5 in pursuance of the advertisement dated 17.09.2015 which are Annexure No.17 & 18 respectively of the instant writ petition, after summoning its records.*

*(ii) Issue a writ order or direction or writ in the nature of mandamus directing the Opp. Party No.1 to set up a high level enquiry to enquire the frauds alleged in the instant writ petition, in a time bound manner and submit a report to this Hon'ble High Court and further issue necessary directions for appointment of an administrator to manage the affairs of the School, pending enquiry.*

*(iii) Issue a writ, order or direction or writ in the nature of mandamus directing the Opp. Party No.1 to take necessary steps to ensure all kinds of Civil and Criminal machinery in motion against the Opp.Party No. 4,5,6 and the guilty Government Employees at the Tehsil Level. And take appropriate steps for cancellation of the sale deed which is void ab initio and vest the land in question in the school itself."*

The petitioner claims to be a social activist and Coordinator of Tehsil - Safipur, District- Unnao of a Registered Society named Manav Uthan Sewa Samiti.

As would be evident from the relief clause quoted hereinabove, relief no. 1 pertains to quashing of appointments made by the opposite party no. 4 and 5 in pursuance to an Advertisement dated 17.09.2015. A challenge to such appointments made by the opposite parties no. 4 and 5 i.e. the then District Basic Education Officer, Unnao and the Manager of Maharaj Brinda Aashram, Baldeva Aashram Junior High School, Lonapur, Rajepur, Unnao, can not be the subject matter of a Public Interest Litigation. The person aggrieved can take recourse to

appropriate proceedings as per law but not by way of Public Interest Litigation. The said institution where the appointments are alleged to have been made has not even been arrayed as an opposite party.

The other allegation in the writ petition is with regard to the fraud and embezzlement of funds by opposite parties as also alleged illegal sale of property belonging to Maharaj Brinda Aashram, Baldeva Aashram Unior High School, Lonapur, Rajepur, Unnao mentioned in Para 8.

The contention of petitioner's counsel is that the institution is receiving aid from the Government, therefore, interference should be made by the Court in the interest of public, however, we are not convinced with these arguments merely because the said institution is a government aided institution, as, the sale is of a property which is not of the Government nor there is anything to show that it had been purchased from public funds. The Institution is a private Institution and the petitioner has no concern with running of the institution. We are of the opinion that petitioner, if he has a cause and locus standi in the matter, can take recourse to other remedies prescribed in law but we see no reason as to why Public Interest Litigation should be proceeded any further.

We, accordingly, **dismiss** the writ petition but without prejudice to the aforesaid.

**Order Date :- 17.3.2023**

R.K.P.

**(Rajan Roy, J)      (Pritinker Diwaker, ACJ.)**