



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (PIL) No.208 of 2025

7th May, 2026

Anita Sharma

-----Petitioner

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. Rajveer Singh, learned counsel for the petitioner.

Mr. Sunil Khera, learned Addl. Advocate General and Mr. Yogesh Chandra Tiwari, learned Standing Counsel for the State of Uttarakhand/ respondent nos.1 and 2.

Dr. K.H. Gupta, Ms. Irum Zeba and Mr. Rafat Munir Ali, learned counsel for respondent no.3/ HNB Garhwal University.

JUDGMENT: (per Mr. Manoj Kumar Gupta C. J.)

1. Heard learned counsel for the parties.
2. The present public interest litigation has been instituted by the petitioner claiming herself to be a retired Associate Professor of B.S.M. (P.G.) College, Roorkee.
3. The petition ostensibly seeks issuance of directions for appointment of an authorized controller in the institution and for inquiry into alleged embezzlement of public funds and illegal transfer of properties of the society managing the institution.
4. The pleadings in the writ petition, however, reveal that the *lis* essentially pertains to internal disputes



relating to management and control of a society and educational institutions run by it. The petition contains allegations against particular individuals associated with the management of the institution and seeks adjudication upon disputed questions regarding transfer of properties, dissolution of society, validity of elections, alleged forgery and misappropriation extending over several years.

5. We have carefully examined the averments made in the writ petition.

6. The manner in which the pleadings have been drafted itself demonstrates that the petition is not a *bona fide* public interest litigation but a proxy litigation. The petitioner herself admits that various objections are pending on behest of different persons before different statutory authorities. The pleas are rooted in factional disputes and which are now sought to be redressed through the PIL jurisdiction.

7. Public interest litigation is a jurisdiction that has to be exercised with great care and circumspection. The jurisdiction is intended to advance genuine public cause and protect the interest of those who are unable to approach the court for vindication of their rights, at the same time, the constitutional courts have consistently cautioned that PIL cannot be permitted to be used as an instrument for settling personal scores.



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8. The petitioner has attempted to invoke the extraordinary PIL jurisdiction for pursuing a motivated cause and the petition is nothing but a proxy litigation and an abuse of the process of court.

9. Consequently, the petition is dismissed with a cost of ₹50,000/- (Rupees Fifty Thousand Only) to be deposited by the petitioner with the State Legal Services Authority within two weeks from today, failing which the same shall be recovered from the petitioner by the District Magistrate concerned as arrears of land revenue.

10. We clarify that the dismissal of the instant PIL would not have any effect on any proceeding or any claim pending before any statutory authority.

11. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 07.05.2026
SS

**SUKHBANT
SINGH**

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