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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 29.07.2015

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W.P.(C) 6876/2015

VIKRAM SAINI

..... Petitioner

Through: Mr. Vikram Saini with Mr. Manish Aggarwal, Advs.

Versus

BAR COUNCIL OF INDIA & ORS

..... Respondents

Through: Mr. Preet Pal Singh, Adv. for Bar Council of India.

Mr. Apoorv Kurup with Mr. A.C. Boxipatro, Advs. for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

J U D G M E N T

Ms. G. Rohini, Chief Justice (Oral)

CM No.12583/2015 (exemption)

Allowed, subject to all just exceptions.

W.P.(C) No.6876/2015 & CM No.12582/2015 (stay)

1. This petition by way of Public Interest Litigation is filed alleging that the respondent No.3 College had indulged in creating false attendance records of several students mentioned in Paragraph 9 of the petition and therefore the respondent No.1/Bar Council of India, respondent No.2/University Grants Commission and respondent No.4/Hemawati Nandan Bahuguna Garhwal University, Uttarakhand be directed to withdraw the affiliation, accreditations, recognitions, grants, etc. extended to the

respondent No.3/College for conducting LL.B. course. The petitioner also seeks to set aside the results of all the fake students mentioned in Paragraph 9.

2. Heard the learned counsel for both the parties and perused the material available on record.

3. Having regard to the admitted fact that the 3rd respondent college is situated in Karanpur, Dehradun in the State of Uttarakhand and 4th respondent University is also situated in the State of Uttarakhand, when we questioned as to how the petition is maintainable in this Court, the learned counsel for the petitioner contended that since the respondent Nos.1 and 2 have the situs in Delhi, the writ petition is maintainable in this Court.

4. It is to be noticed that the prayer in the writ petition is to direct the respondent Nos.1, 2 and 4 to withdraw the recognition/affiliation granted to the 3rd respondent college and to direct the 1st respondent/Bar Council of India to quash the admissions made by the 3rd respondent College in LL.B. course and to set aside the result of the students making allegations of fraud and various other irregularities in admission process.

5. Though a small fraction of cause of action arises within the jurisdiction of this Court since the Bar Council of India and the University Grants Commission which have allegedly failed to exercise the statutory functions have the situs in Delhi, as held by the Full Bench of this Court in ***Sterling Agro Industries Ltd. v. Union of India & Ors.*, 2011 (122) DRJ 693 (FB)**, the same cannot be considered as the determining factor to compel this Court to decide the case.

6. The facts pleaded in the petition show that the essential and material facts leading to the filing of the present writ petition have taken place within

the jurisdiction of the High Court of Uttarakhand. More particularly, the 3rd respondent College against which various allegations are made and which may require detailed enquiry, is located in the State of Uttarakhand. Therefore, invoking the doctrine of forum conveniens, we decline to exercise the discretionary jurisdiction.

7. Accordingly, without expressing any opinion on merits of the case, the writ petition is dismissed leaving it open to the petitioner to file a fresh petition before the appropriate forum.

2 No order as to costs.

CHIEF JUSTICE

JAYANT NATH, J

JULY 29, 2015
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