

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No.27 of 2015**

Shesh Narayan Sharma S/o Shri Shiv Narayan Sharma, aged 46 years, R/o Qr.No.3D Street No.30 Sector No.1, P.S. Bhilai Bhatti, Bhilai, Tehsil and District Durg

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, School Education Department, Mahanadi Bhawan, New Mantralaya, Raipur (CG)
2. The Managing Director, Chhattisgarh Text Book Corporation (Pathya Pustak Nagam), Hari Bhumi Complex Tikra Para Raipur (CG)
3. Bharti Printers, Besides Durg Rajnandgaon Gramin Bank Kumhari District Durg (CG)

---- Respondents

For Petitioner	:	Shesh Narayan Sharma in person
For Res.No.1	:	Mr.A.S.Kachhawaha, Additional A.G.
For Res.No.2	:	None present
For Res.No.3	:	Mr.Y.C.Sharma, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****Per Deepak Gupta, Chief Justice****04/07/2016**

1. This writ petition is said to have been filed in the Public Interest.

The petitioner by means of this writ petition has alleged that there is wholesale corruption going on in the Chhattisgarh Text Book Corporation and that respondent No.3, who was not entitled to registration, has been granted registration and orders for supply of text books have also been placed on respondent No.3. Interim application has also been filed in

which it is alleged that respondent No.2-Chhattisgarh Text Book Corporation is likely to again conduct process of registration and another new charges of corruption has come before the registration that a firm named and styled as “Shri SAI OFFSET-PATNA” has been registered against all norms.

2. It is well settled that Public Interest Litigation must actually be actuated by Public Interest. If it is actuated by personal interest, publicity interest, political interest or paisa interest, then such PIL's must be nipped in the bud.
3. The petitioner in the writ petition on affidavit has stated as follows:-

(C) I. That, the present petition under Article 226 of the Constitution of India is being filed by way of public interest litigation and the petitioner has no direct personal interest, however he will also be affected by such corrupt practices as he is also vice president of Durg Bhilai Palak Singh. The petition is being filed in the larger public interest of poor students, parents who have to suffer higher cost for the purchase of books for their wards. The petitioner has raised voice against many issues related to the upliftment of educational status.

(ii) That, the petitioner is peaceful public spirited citizen of India and active RTI worker, working in filed of education and students. The petitioner has earlier also filed an public interest litigation no.22/2013 to protect poor children's educational future where the text books corporation have used

government papers for private purpose.

4. The petitioner has given an impression to this Court that he being a public spirited person has filed this writ petition.
5. Chhattisgarh Text Book Corporation has filed reply. Paragraphs 3 and 4 of the reply state as follows:-

“3. That, the petitioner whose wife Smt.Jyoti Sharma has started printing press and also applied for registration with the answering respondent. A copy of document showing the details of Smt.Jyoti Sharma as proprietor of firm name and style as Jai Ambe Printing Press and copy of PAN card are filed herewith as **Annexure R-2/3** collectively. Smt.Jyoti Sharma and applicant of the firm has applied for registration with the answering respondent on 18.07.2011 the same was not considered for want of certain documents as such she applied for withdrawal of her money deposited with the answering respondent on 27.04.2013 authorizing the S.N. Sharma (petitioner) to received the same. A copy of the application for withdrawal of money and authorizing petitioner to receive the same dated 27.04.2013 is filed herewith as **Annexure R-2/4**.

4. That, the petitioner was partner of Kokila printers and has same business interest like other printers this can be fortified by his various letters written to answering respondent asking extension of time for inspection press. A copy of the application dated 25.10.2013 is filed herewith as **Annexure R-2/5**. The answering respondent considering the request made by the petitioner has also extended

the period vide letter dated 30.10.2013 upto 25.11.2013. A copy of letter is filed herewith as **Annexure R-2/6**. Since M/s Kokila Printers in which the petitioner was partner was unable to comply with the direction for inspection of press as such a show cause dated 27.11.2013 was issued to the firm. A copy of show cause notice dated 27.11.2013 is filed herewith as **Annexure R/2-7**. The petitioner as partner of the firm has submitted reply to the show cause dated 27.11.2013 and requested the answering respondents to call for negotiation. A copy of the letter dated 03.12.2013 is filed herewith as **Annexure R-2/8**.

6. A perusal of the aforesaid paragraphs shows that wife of the petitioner had applied for registration in the Chhattisgarh Text Book Corporation and as the registration was refused, refund of earnest money submitted by the wife was made to the petitioner as he has been authorized by his wife. It also stands established that the petitioner was partner of Kokila Printers and had written various letters to respondent No.2 as partner of the said firm, but registration was not granted.
7. In case the petitioner is aggrieved by non-grant of registration to the firm owned by his wife or to the firm of which he is a partner, he can avail the legal remedy, which may be available to him in his personal capacity and not by way of public interest litigation.
8. A person coming to the Court claiming to file a petition in the Public Interest must clearly state all the facts known to him.

Assuming that the petitioner wanted to file this petition in the Public Interest, then also he was duty bound to disclose the fact to the Court that earlier one firm which was owned by his wife and one firm in which the petitioner was a partner had applied for such registration. He could have urged that despite this personal interest, he was not filing the petition to vindicate his rights, but has filed the writ petition in the Public Interest. We may entertain such a petition if all the facts are stated. However, the petitioner did not disclose these important facts and withheld these vital facts from this Court. These facts have been brought to the notice of the Court only when reply was filed by Chhattisgarh Text Book Corporation.

9. The petitioner is appearing in person and when we asked him whether these facts are correct or not, the only answer of the petitioner is that he ceased to be partner of Kokila Printers since 24.1.2014. Even if that be true, the petitioner should have disclosed these facts in the writ petition. Non-disclosure of these material facts dis-entitles the petitioner from filing this Public Interest Litigation. We are not inclined to entertain this writ petition
10. Since we are rejecting the petition only on the ground that we do not want to entertain this writ petition filed by this petitioner in the Public Interest, we make it clear that we have not expressed any opinion on merits of the allegation made. So far as the petitioner is concerned, because of two reasons, we are

not entertaining this petition. Firstly, he did not disclose the material facts in the writ petition and secondly, these facts clearly indicate that the petitioner has a personal interest and is not filing the petition as public interest. Therefore, this writ petition is dismissed. The only reason why we have not imposed costs is because the petitioner is appearing in person.

Sd/-
(Deepak Gupta)
Chief Justice

Sd/-
(Sanjay K.Agrawal)
Judge

B/D