

(110)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 18588 of 2016

Date of decision: 7.9.2016

Dr. Mohinder Kumar

.... Petitioner

Versus

State of Haryana and Others

.... Respondents

CORAM: HON'BLE MR. JUSTICE S.S. SARON.
HON'BLE MRS. JUSTICE LISA GILL.

Present: Dr. Mohinder Kumar, petitioner in person.

S.S. Saron, J.

The petition has been filed in the nature of a Public Interest Litigation under Article 226 of the Constitution of India seeking directions to the respondents to include SGT University, Gurgaon (State University of Haryana) in the admission through online counselling to MBBS/BDS Courses against the State and Management Quota seats for the year 2016 ending on 6.9.2016 under right of equitable justice and to order CBI inquiry to identify real culprits behind this multi-crores MBBS admission scam and fraud played on people of Haryana.

The writ petition, as already noticed, is in the nature of a public interest litigation. The Maintainability of Public Interest Litigation Rules, 2010 have been framed by this Court and Rule 7 thereof reads as under:-

“7. The Registry shall be entitled to verify the antecedents of a person, society or an association who invokes the jurisdiction of the High Court on the cause of public interest. Where the Registry has any doubt on such antecedents, an office note to this effect shall be put up, except on the petitions which are received by post.”

In compliance to the said Rule 7, the Registry has submitted that the High Court has filed a criminal complaint against the petitioner under Section 190 (1) (a) of the Code of Criminal Procedure, 1973 for the commission of offences punishable under Sections 182, 186, 209 and 465 of the Indian Penal Code in the District Court at Chandigarh and the same is pending before the learned Judicial Magistrate Ist Class, Chandigarh.

The petitioner when confronted with this has submitted that the said complaint is false and the trial is going on. It may, however, be noticed that this fact has admittedly been suppressed in the petition that has been filed. Besides, a Division Bench of this Court in the case of Ajaib Singh and another v. State of Punjab, CWP No.15987 of 2013 decided on 26.7.2013 has held as follows:-

“We have also perused the Maintainability of Public Interest Litigation Rules, 2010, which have laid down the guidelines for entertaining a public interest petition. The nature of grievance set out in the petition does not fall within the defined Clauses of Para-6 where a PIL may be ordinarily entertained. In fact, the present nature of grievance, a cause on which many PILs are filed, is

really in the nature of allegations against the municipal authorities for failure to perform their statutory duties and that should be the style of the petition.

The other aspect we want to emphasize is that the petitioner has to specifically disclose his credentials and his direct or indirect personal motive or interest involved in the case, if any, by way of an affidavit. The expression "specifically disclose his credentials" must, naturally, imply that he has to set forth what he does for his living, what public interest he has been espousing, the work done by him in that behalf, the particulars of any matter preferred by him as PIL earlier on which the Court has passed orders, etc. It cannot imply merely writing a sentence that a person is residing in the State, is public-spirited and is, thus, filing a PIL.

We, thus, direct that the Registry must ensure strict compliance with these rules and will return petitions styled as PIL with objection(s) unless these parameters are specified. In fact, there is a mandate on the Registry as per Clause-7 of the said Rules to verify the antecedents of the persons, Societies or Associations who invoke jurisdiction on the cause of public interest and, if they are not satisfied with the antecedents, to return the petition.

We are emphasizing the aforesaid aspects because we find that we are inundated with PILs which truly are not PILs in the sense the concept is envisaged. They are either personal angst, someone reading a newspaper and annexing a copy of the newspaper making it a cause, making general allegations without any research about the subject or persons who have really no experience or exposure about the subject matter sought to be raised. These are, in fact, purely publicity interest litigations rather than PILs wasting judicial time.

The Registry also raised an objection with regard to the said writ petition and it is submitted by the petitioner that affidavit supporting PIL in the said case has been placed on record.

We have perused the affidavit that has been placed on record. It is inter alia mentioned therein that petitioner is working as Professor of Surgery in MMIMSR Mullana, Ambala and earning Rs.18 lacs per annum. However, he did not have time to annex a copy of the ITR because the petition was to be filed urgently. It may, however, be noticed that the fact of the pending complaint against him by the High Court has been suppressed. Therefore, we hold that the petitioner has no *locus standi* to file the present petition.

Accordingly, the writ petition is dismissed.

As the matter appears to be of somewhat importance relating to MBBS admissions, *suo motu* action is taken on the basis of the present order. Fresh petition titled Court on its own

motion v. State of Haryana be prepared on the basis of this order and a number be assigned and listed as per roster.

Copy of the order be given to Mr. S.S. Pannu, Deputy Advocate General, Haryana.

Learned State Counsel shall verify as to whether SGT University, Gurgaon (State University of Haryana) is included in the admission through online counselling to MBBS/BDS Courses against the State and Management Quota seats for the year 2016 or not and if not included, the reason for the same.

List for hearing on 30.09.2016.

(S.S. Saron)
Judge

(Lisa Gill)
Judge

07.09.2016
amit

Note:-

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| 1. Whether speaking/reasoned | : | Yes |
| 2. Whether reportable | : | No |