

CWP-8257-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

111

**CWP-8257-2017 (O&M).
Decided on: April 24, 2017.**

Dr.Mohinder Kumar

.. Petitioner(s)

VERSUS

Punjab and Haryana High Court through Registrar General

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

PRESENT Petitioner in person.

M.M.S. BEDI, J. (ORAL)

The petitioner claims himself to be a whistle blower. He has submitted that he had filed a Public Interest Litigation exposing the multi crore scam in the admissions and the same was listed before the Division Bench. The Division bench had considered the circumstances of the case and opted to take up the matter suo motu without permitting the petitioner to assist the Court.

The grievance of the petitioner is that the Public Interest Litigation should have been listed before the Division Bench but it was listed before the Single Bench. The petitioner has raised a grievance, inter alia, that the State counsel was able to manage with the Single Bench and he has also not been permitted to be impleaded as *amicus curiae*. Petitioner submits that *amicus curiae*, is a friend of Court and his purpose is to render

CWP-8257-2017 (O&M)

assistance on the basis of his professional experience.

After hearing the petitioner in person at length and going through his written arguments, I find that the petitioner on account of his unexpected interference had been imposed a cost of Rs.1 lac by a Single Bench of this Court which order was challenged in LPA No.224 of 2017. The said LPA has been admitted by a Division Bench and has been ordered to be heard along with CWP No.20426 of 2016.

When asked as to what relief is sought for by the petitioner, at this stage, he submits that a direction should be issued on the judicial side to Hon'ble the Chief Justice of Punjab and Haryana High Court through Registrar to get the matter investigated pertaining to the nexus of Bench and Bar by passing a speaking order on the complaint dated 12.1.2017.

I have also gone through the averments in Annexure P1 and the order of the High Court Annexure P3, dismissing the complaint, which has been communicated to the petitioner.

After hearing the counsel for the petitioner at length, I am of the opinion that any complaint filed on the administrative side in the Registry of the High Court can be considered by the Registry depending upon the circumstances of a particular case. It is the prerogative of Hon'ble the Chief Justice to reject any application by passing any order. Order on a complaint in the exercise of an administrative authority by Constitutional Authority is absolutely different from the order passed by it in the capacity as quasi-judicial or judicial authority. It is not expected of an administrative authority to consider each and every plea which is not concerned with the

CWP-8257-2017 (O&M)

administration of justice. The allegation of the petitioner in Annexure P1, if considered on the judicial side, do not warrant any interference or action, as such, no ground is made out for any direction in the subjective satisfaction of an order passed by Hon'ble the Chief Justice on a complaint filed on the administrative side.

So far as the grievance of the petitioner that he being an *amicus curiae*, has to be heard is concerned, it appears that the petitioner is under some misconceived notion regarding the definition of *amicus curiae*. An *amicus curiae*, no doubt, is a friend of the Court but it is always the prerogative of the Court to select a friend to assist it. An *amicus curiae* is required to assist the Court to arrive at a just decision on the basis of his wisdom acquired by his experience and knowledge of law.

The petitioner appears to be a disgruntled litigant not satisfied with the judicial order which is subject matter of LPA No.224 of 2017, which stands admitted and the judicial discretion adopted by the Court in CWP No.20426 of 2016.

The writ petition is dismissed as not maintainable.

At this stage, the petitioner has pressed the provision of Order 20 Rule 5A of the Code of Civil Procedure, which requires a Court to inform as to where an appeal would lie in case the parties are not represented by pleaders.

I have considered the plea of the petitioner and I am of the opinion that the petitioner who claims himself to be a whistle blower, well conversant with the provisions of law and also conversant with Order 20 Rule 5A of the Code of Civil Procedure, is intelligent enough to find out

CWP-8257-2017 (O&M)

the forum where the appeal would lie. The present petition being a frivolous litigation, the prayer of the petitioner under Order 20 Rule 5A of the Code of Civil Procedure, is declined.

(M.M.S. BEDI)
JUDGE

April 24, 2017.
rka

Whether speaking / reasoned	Yes / No
Whether reportable:	Yes / No