

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-10794-2018 (O&M)
Date of Decision: 25.05.2018**

SPS Dahiya

... Petitioner

Versus

State of Haryana & others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL,
ACTING CHIEF JUSTICE.**

HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sardavinder Goyal, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

CM-8040-2018:

1. Application is allowed as prayed for.
2. Affidavit of the petitioner dated 14.05.2018 is taken on record.
3. Application is disposed of.

Main case:

1. Petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India by way of Public Interest Litigation seeking issuance of directions for a court monitored inquiry or investigation through an independent agency, such as, Central Bureau of Investigation as regards certain alleged corrupt practices done at the hands

of respondent No.5 in connivance with the officials of the Maharishi Dayanand University, Rohtak.

2. It has been averred that Maharishi Dayanand University, Rohtak signed MOU with M/s Nysa Communications (respondent No.5 herein) on 15.10.2010 for computerization of various functions of the University. It has been alleged that large scale manipulations have taken place for extraneous considerations as regards issuance of Detailed Marks Cards and particularly in the B.Tech. Examination held in December, 2014. It is urged that despite the resolution having been passed by the competent authority of the University terminating the agreement with respondent No.5 w.e.f. 30.06.2015, still the agency to whom the work of computerization etc. had been outsourced to, still continues to function and the malpractices are carrying on unabated.

3. It is against such brief allegations and assertions that a court monitored inquiry or entrustment of investigation to the Central Bureau of Investigation is sought in the instant writ petition filed by way of Public Interest Litigation.

4. We have heard learned counsel for the petitioner at length and have perused the case paper book.

5. The Maintainability of Public Interest Litigation Rules, 2010 (for short 'the 2010 Rules') were framed which are in the nature of guidelines for entertaining a Public Interest petition. Clause 6 of the 2010 Rules would be relevant to the issue at hand and is reproduced hereunder:

“6. Ordinarily, the PIL may be entertained on any subject of vital public importance, such as:

(a) Bonded Labour matters.

(b) Neglected Children.

(c) Petitions from riot victims.

(d) Petitions complaining of harassment or torture of persons belonging Scheduled Castes, Scheduled Tribes and other Backward Classes by the others or by the police.

(e) Petitions pertaining to environmental pollution, disturbance of ecological balance, forest and wild life.

(f) Petitioners complaining violation of human rights.”

6. We are of the considered view that the nature of grievance set down in the petition does not fall within the parameters laid down in Clause 6 of the 2010 Rules whereby a PIL may ordinarily be entertained. It is the case of the petitioner himself that based on allegations raised in the instant petition, FIR No.314 was registered on 02.11.2015. Even the Government of Haryana, Department of Higher Education had constituted a Committee vide order dated 06.01.2016 to look into the matter of malpractice prevailing at Maharishi Dayanand University Rohtak. Precise case sought to be projected is that even though FIR had been registered for issuing fake Detailed Marks Cards to students of B.Tech. but no steps have been taken by the police authorities and which in itself would establish the connivance of respondent No.5 and the University officials. The allegations set out in the present petition are already a subject matter of inquiry and investigation at the hands of the police authorities as also the officials of the Department of Higher Education, State of Haryana. This Court, as such, would not embark upon an exercise of any independent roving and fishing inquiry.

7. That apart, the Division Bench of this Court in **Ajaib Singh**

& another Versus State of Punjab & others, 2013 (4) PLR 367 had examined the 2010 Rules and had observed that under Clause 7, the petitioner invoking PIL jurisdiction of this Court is obligated to “specifically disclose his credentials” and such expression implies 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 and the particulars of any matter preferred by him as PIL earlier on which the Court has passed orders etc. On such aspect, the present petition is totally lacking. Petitioner has merely averred that he is a public spirited person, has been an ex-faculty member of the University and has taken a number of steps prior in point of time to eradicate corruption in the University. No details, however, have been given either in the petition or in the subsequent affidavit dated 14.05.2018 placed on record.

8. In view of the above, we hold that the present petition is not maintainable at the behest of the petitioner and the same is, accordingly, dismissed.

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

25.05.2018

harjeet

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |