

126

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

CWP-7104-2018

Date of decision-22.03.2018

Ashutosh Mishra

...Petitioner

Vs.

The Chancellor, State Universities of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Mohit Garg, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The petitioner asserting to be a Professor of Mass Communication in a private University has approached this Court for issuance of a writ in the nature of quo-warranto for declaring the appointment of respondent No.3 as Vice Chancellor of State University of Performing & Visual Arts, Rohtak (for short 'the University') as invalid and illegal.

It is contended that as per the advertisement in question, the candidate applying for the post of Vice Chancellor of the University must be possessing minimum 10 years of experience as Professor or equivalent. However, respondent No.3 joined the post of Professor in Kurukshetra University on 08.11.2007, therefore, did not possess the requisite experience. Even, the selection of respondent No.3 as Professor in the Institute of Mass Communication and Media Technology, Kurukshetra

University was challenged by the petitioner by way of filing CWP-23431-2017 as the said appointment made was illegal, arbitrary and contrary to the criteria prescribed by the UGC.

As per assertion, the petitioner is presently working as a Professor in Chitkara University, Punjab. Nowhere, the petitioner has been able to establish his *locus standi* in challenging the impugned appointment inasmuch as neither the petitioner, in any way, has been able to show his relation with the University as a student or as a faculty, nor it is his case that he was also a candidate for the said post.

Having heard learned counsel for the petitioner and on perusal of the case file, it emerges that by way of the instant petition, the petitioner has tried to wreak personal vengeance against respondent No.3. This petition is ill conceived and nothing but an abuse of process of law. In “**Kishore Samrite Vs. State of Uttar Pradesh and others**”,(2013) 2 SCC 398, it was held as under:-

“From the above specific averments made in the writ petitions, it is clear that both these petitioners have approached the Court with falsehood, unclean hands and have misled the courts by showing urgency and exigencies in relation to an incident of 3rd December, 2006, which, in fact, according to the three petitioners and the police was false, have thus abused the process of the Court and misused the judicial process. They maliciously and with ulterior motives encroached upon the valuable time of the Court and wasted public money. It is a settled canon that no litigant has a right to unlimited drought upon the court time and public money in order to get his affairs settled in the manner as he wished. The privilege of easy access to justice has been abused by these petitioners by filing frivolous and misconceived petitions. On the basis of incorrect and incomplete allegations, they had created urgency for expeditious hearing of the petitions, which never existed.

Even this Court had to spend days to reach at the truth. Prima facie it is clear that both these petitioners have misstated facts, withheld true facts and even given false and incorrect affidavits. They well knew that Courts are going to rely upon their pleadings and affidavits while passing appropriate orders. The Director General of Police, U.P., was required to file an affidavit and CBI directed to conduct investigation. Truth being the basis of justice delivery system, it was important for this court to reach at the truth, which were were able to reach at with the able assistance of all the counsel and have no hesitation in holding that the case of both the petitioners suffered from falsehood, was misconceived and was a patent misuse of judicial process. Abuse of the process of the Court and not approaching the Court with complete facts and clean hands, has compelled this Court to impose heavy and penal costs on the persons acting as next friends in the writ petitions before the High Court. This Court cannot permit the judicial process to become an instrument of oppression or abuse or to subvert justice by unscrupulous litigants like the petitioners in the present case.”

In view of the above, the instant petition sans merit, and is accordingly dismissed with costs of Rs.50,000/- to be deposited with Punjab State Legal Services Authority, Punjab within a period of three months from the receipt of the certified copy of this order.

The Registry is directed to send the certified copy of the order to the petitioner free of cost under registered A.D.

Dismissed.

(JITENDRA CHAUHAN)
JUDGE

22.03.2018

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No