

HIGH COURT OF CHHATTISGARH, BILASPUR**WPPIL No. 18 of 2019**

1. Vaibhav Soni, S/o Shri Manu Lal Soni, aged about 19 years, Occupation – Student at Durg University, R/o House No. 1535, Street No. 35, Vivekanand Colony, Shanti Nagar, Bhilai, Distt. Bhilai, Chhattisgarh.
2. Praveen Bawanker, S/o D.L. Bawanker, aged about 21 years, Occupation – Student at Durg University, R/o New Durga Nagar, Bhanpuri, Raipur, Chhattisgarh.
3. Ibtesam Mirza, D/o Mirza Israil Baig, aged about 21 years, Occupation – Student at Durg University, R/o Masoom Building, Surya Nagar, Sicola Basti, Durg, Chhattisgarh.

----Petitioners**Versus**

1. Hemchand Yadav University @ Durg University, through Vice Chancellor, Durg, District – Durg, Chhattisgarh.
2. State of Chhattisgarh, through Secretary of Education, Raipur, Chhattisgarh.
3. Collector, through Collectorate Office, Distt. Durg, Chhattisgarh.

---Respondents

For Petitioners	:	Mr. Shubham Tripathi, Advocate
For Respondent No. 1	:	Mr. Neeraj Choubey, Advocate

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****Per, P.R. Ramachandra Menon, Chief Justice****28.06.2019**

1. The petitioners, who are students of the Hemchand Yadav University @ Durg University, pursuing their studies in various disciplines, are before this Court, raising some allegations against the deeds of the University, particularly, in the matter of conducting

examinations and awarding the marks. Prayers made by them are in the following terms :-

10.1. That, this Hon'ble Court may kindly be please to issue an appropriate writ by directing the respondent No. 1, 2 & 4 to remove the irregularities in the process of education and direct them to follow proper and just ordinance within the appropriate academic calender.

10.2. That, the respondent No. 1 may kindly be directed to take appropriate actions to follow the ordinance well reputed universities for the welfare of the concerned students and proper administration of the education of the students.

10.3. That, the students who have suffered due to this arbitrary action by respondent No. 1 are unable to submit their exam forms and take part in the regular examinations of the next semester, therefore, it is requested that this hon'ble Court may kindly allow such aggrieved students to take part in the regular examination of the next semesters by extending the dates of examinations or by staying the upcoming examination in the interest of justice and equity.

2. Heard learned counsel for the petitioners at length. On going through the contents of the proceedings, it is clearly revealed that the petitioners have "personal interest" with regard to the cause of action projected in the writ petition. This is revealed from Paragraphs 3 (A), 9.1 and 9.2 of the writ petition; besides Paragraph 2 of the additional affidavit filed by petitioner No. 3 on 12/03/2019, which are extracted for convenience of reference :-

"3 (A). That, the petitioners by way of this writ

petition are not challenging any particular order but by virtue of this petition, the petitioners are praying with this Hon'ble Court to restrain the respondent authorities from misusing their power and causing unnecessary trouble to the students of Hemchand Yadav University @ Durg University and creating hurdles in the smooth process of education of the students. That, the present petition is filed against the arbitrary and illegal action of the respondents, specially on the part of the respondent No. 1 who has taken arbitrary action against the petitioners and other students of this university, who had deliberately failed the students by not giving any marks and have either left blank space or have wrongly absented the students who have appeared in exam. The respondent No. 1 by its arbitrary action have not only misconducted the aforesaid but are also continuing to do the same with every process involved relating to the education of students of the said university.

9.1. Because, the Respondent No. 1, 2 & 3 acted with arbitrary manner and intentionally harassed the petitioners and large no. of students of Durg University and have not taken any respective actions regarding the same.

9.2. Because, the petitioner having personal interest in the matter and they are raising the grievances for students at large as the future and educations of students are being put in jeopardy by respondent No. 1 by performing such arbitrary actions.

2. That, I and other petitioners are having personal interest in the subject matter in which the present petition has been filed the present petition has not been filed for gaining any profit

and it is also not filed for blackmailing anybody by this writ petition and it is not filed for taking any personal grievance, the present petition has been filed for public interest and the petitioners are having personal interest in the matter.”

3. Since, it is clearly conceded by the petitioners, that the petitioners are having 'personal interest', this case is not liable to be entertained as a 'public interest litigation'.
4. In the said circumstance, interference is declined and the writ petition is dismissed, without prejudice to the rights and liberty of the aggrieved parties, including the petitioners to pursue appropriate proceedings, in accordance with law.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Sanjay K. Agrawal)
Judge