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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13824/2019**

PRAVEEN BANSAL

..... Petitioner

Through: Mr.I.S.Alag, Sr. Adv. with Mr.K.K.Jha,
Mr.Vineeet Kumar, Mr.Pravir Singh, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through: Mr.V.K.Singh, Adv. for Ms.Avnish
Ahlawat, Adv. for R-1 to 3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **13.01.2020**

CM 55566/2019

Exemption allowed, subject to all just exceptions.

WP(C) 13824/2019& CM 55565/2019

This petition has been filed by the petitioner *inter alia* praying
for the following reliefs:

- “a) *Pass a writ, order or direction in the nature of mandamus directing the official of Respondents no.1 to 3 to take appropriate legal action for the forgery / fraud /cheating committed by respondent no. 4 and for recovery of benefits availed by him till date; and*
- b) *Pass a writ, order or direction in the nature of Quo Warranto for removing the respondent no.4 from his initial post of Specialist (Medicine) Grade II (Medicine) (Non-teaching) (Junior scale) , and the consequent / subsequent post of Specialist (Medicine) (Non-teaching) Grade 1 or any other consequent subsequent post; and / or”*

The petitioner expressed his locus to file the present petition in

the following words:

“That the petition is not guided by any self gain or for gain of any other person / institution / body and that there is no motive other than of public interest in filing the present writ petition.”

A reading of the above would clearly show that the petitioner has no private interest in challenging the appointment of the respondent no.4. The petition, however, discloses that the respondent no.4 has filed a suit bearing no.CS(OS) No.495/2019 for defamation and claiming damages against the petitioner.

The learned senior counsel for the petitioner was asked to explain the locus of the petitioner to file the present petition.

He has placed reliance on the judgment of the Supreme Court in ***Rajesh Awasthi vs. Nand Lal Jaiswal & Ors.*** MANU/SC/0907/2012 and of the Calcutta High Court in ***Biman Chandra Bose vs. H.C.Mukherjee & Ors.*** MANU/WB/0090/1952 to contend that where the appointment of a person is made in contravention of the Rules, a writ of *quo warranto* can be issued at the instance of any private person even though he is not seeking enforcement of any Fundamental Right under the Constitution or any legal right of his or of any legal duty towards him.

I am not persuaded by the submissions made by the learned senior counsel for the petitioner. The petition does not disclose any connection between the petitioner and the respondent no.4. It clearly appears to be a petition which has been motivated at the behest of someone and as a defence to the Civil Suit filed by the respondent.

In ***Rajesh Awasthi*** (supra), the petition had been filed by the General Secretary, Jal Vidyut Unit challenging the appointment of the appellant therein as the Chairperson of the U.P. State Electricity Regulatory Commission. The petitioner therein, therefore, had some connection with the Authority to which the appellant was being appointed.

In ***Biman Chandra Bose***(supra), the petitioner therein alleged that he fulfilled all conditions required for the nomination for the seat reserved for literature, art or science in Legislative Council of the State of West Bengal. The said petition had, in fact, been dismissed by the Calcutta High Court. The Court did not deal with the question as to whether a petition for writ of *quo warranto* at the instance of persons who have no personal grievance or interest in the matter would be maintainable.

In the present case, the petition clearly shows that the respondents 1 to 3 themselves have initiated enquiries against the respondent no.4. It is expected that the respondent nos.1 to 3 would carry the same to its logical end.

In view of the above, I find no merit in the present petition, the same is dismissed. There shall be no order as to costs.

NAVIN CHAWLA, J

JANUARY 13, 2020
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