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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 355/2018, CM APPL. 1452/2018, CM APPL. 12491/2020,
CM APPL. 38615/2023, CM APPL. 28073/2025 & CM APPL.
28074/2025

MUKESHWAR NATH DUBEY

.....Petitioner

Through: Ms.Shyel Trehan, Sr.Adv. with
Mr.Faraz Anees, Mr.Kartika Vashisht,
Mr.Rohan, Advs.
Petitioner in person.

versus

UNION OF INDIA AND ANR.

.....Respondents

Through: Mr.Ripudaman Bhardwaj, CGSC with
Ms.Kushagra Kumar, Mr.Amit Kumar
Rana, Advs for R-1.
Mr.V.Shashank Kumar, Adv for
Mr.VSR Krishna, Adv for R-2.
Mr.Ankur Chhibber, Sr.Adv. with
Mr.Yogesh Kumar Mahur,
Mr.Harkesh Parashar, Ms.Yogita,
Advs for R-4.
Respondent no.4 in person.
Mr.Samrendra Kr. with Mr.Vivek
Kr.Srivastava, Ms.Mahaak Sharma,
Advs for K K Mittal.
Mr.N.Hariharan with Mr.B.Badrinath,
Mr.Dhruv Bhargava, Advs for
Mr.Arpit Bhargava.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA



ORDER

21.08.2025

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1. Heard, Mr.Mukeshwar Nath Dubey, the petitioner in person, Mr.V.Shashank Kumar, learned counsel representing the respondent no.2-Lalit Kala Akademi (hereinafter referred to as LKA) and Mr.Ankur Chhibber, learned senior counsel representing the respondent no.4-Ms.Vishalakshi Nigam.

2. Having regard to the issues, which had cropped up during the proceedings of this Public Interest Litigation Petition (hereinafter referred to as PIL), on our request Senior Advocate Mr.N.Hariharan, President of the Delhi High Court Bar Association and Mr.Arpit Bhargava, Advocate who was earlier representing the petitioner, are also present. The respondent no.4-Ms.Ms.Vishalakshi Nigam is also in attendance.

3. Mr.Mukeshwar Nath Dubey, the petitioner has prayed that he may be permitted to withdraw the writ petition.

4. Looking to the facts of the present case and the manner in which the proceeding of this PIL petition has proceeded, and also taking into account various other factors which have emerged during the course of hearing today, we though permit withdrawal of the writ petition, however such leave of the Court for withdrawal of the writ petition needs to accompany certain facts, which we find essential to narrate hereunder.

5. The PIL petition was filed by an individual-Mr.Mukeshwar Nath Dubey who himself is a practising lawyer, through Mr.Arpit Bhargava, Advocate.

6. The PIL petition was filed seeking a direction to be issued to the Union



of India as also to the LKA to immediately implement the report of the Autonomous Body Cell (hereinafter referred to as ABC), dated 15.06.2016, which according to the petitioner contained certain alleged irregularities on the part of one Dr.Sudhakar Sharma-respondent no.3 and Ms.Vishalakshi Nigam -respondent no.4.

7. Notices were issued to the respondents in the PIL petition, and thereafter it appears that by means of an order dated 13.01.2020 services of the respondent no.4 were terminated. In the counter affidavit filed by the Union of India, it has been stated that, “at pages 71-76 of Annexure P-9 appended with the original Writ Petition, are not part of the ABC report dated 15.06.2016, which was sent to the Union of India/LKA”.

8. Learned senior counsel representing the respondent no.4 has been categorical in stating that as a matter of fact the action of termination of services of the respondent no.4 got precipitated and actuated on the basis of the said ABC report dated 15.06.2016 as annexed with the PIL petition, which contained certain pages, which were not part of the subject report as per the counter affidavit filed by the Union of India. We may notice at this juncture itself that veracity of the said ABC report dated 15.06.2016 was inquired into under a direction issued by the Central Information Commission by a five member committee, which was chaired by the Director, Akademi Division, Ministry of Culture. The said Committee in its report dated 26.05.2023 has noted the contents of the counter affidavit filed by the Union of India at the instant PIL petition which is as under:-

“as per the records available in Akademi Division, Ministry of Culture original Autonomous Body Cell report dated 15.06.2016 has been forwarded to respondent no.2(Lalit Kala Akademi) vide Ministry’s letter dated 21.02.2017(Annexure-X) and the pages 71-76



of Annexure P9 are not part of Autonomous Body Cell report.”

9. The Committee has also opined in its report that neither the Ministry of Culture nor the Office of Chief Controller of Accounts had recommended for termination of services of the respondent no.4-Ms.Vishalakshi Nigam.

10. The respondent no.4 challenged the order terminating her services by instituting proceedings of Original Application no.341/2020 and 1826/2019 before the Central Administrative Tribunal (hereinafter referred to as CAT). The CAT allowed the Original Application in part and quashed the order terminating her services, dated 13.01.2020. The Tribunal further issued directions to LKA to reinstate the respondent no.4 in service on the post she was holding. It was also observed by the Tribunal that she shall be entitled to consequential benefits in accordance with the relevant rules and instructions and that her suspension period shall be decided in accordance with law.

11. In compliance of the order passed by the Tribunal, the respondent no.4 has been reinstituted in service on the post of Research Officer w.e.f. 06.05.2019. By a subsequent order passed on 31.07.2025/01.08.2025 by LKA has observed that she shall be entitled to pay and allowances notionally for the period 06.05.2019 to 12.05.2024, however actual monetary benefit shall accrue to her only from the date of resumption of duty i.e. 13.05.2024. The order further provides that her seniority in the cadre of Research Officer stands restored w.e.f. 06.05.2019.

12. It has been submitted by learned senior counsel representing the respondent no.4 that in fact in terms of the order passed by the Tribunal she was entitled even to actual monetary benefits as well for the past services, however, we refrain from making any observations to the said submission



leaving it open to the respondent no.4 to challenge the said action before the appropriate forum/Court/Tribunal.

13. Having noted the facts as above, what disturbs us is that a fabricated document was taken aid of by the petitioner for instituting the proceedings of the instant PIL petition. We have already noticed that the petitioner himself is a practising lawyer and, accordingly he owes a more responsible conduct before the Court than an ordinary litigant. Even otherwise it is needless to mention that jurisprudence developed by Hon'ble Supreme Court and various other High Courts in the Country surrounding PIL petition clearly requires the petitioner filing a PIL to act in the most bona fide manner, that necessarily would include not to take aid of any fabricated or forged document. Such a conduct on the part of the petitioner not only tends to create doubt on the genuineness of the proceedings of a PIL petition, but also ultimately shakes the faith and trust of the people which is the basis of the entire edifice of the judiciary in our country.

14. Though we cannot record any definite finding that action of terminating the services of the respondent no.4 got precipitated on account of filing of the instant PIL petition, however the fact that the notices issued, on this PIL petition, to the Union of India and also to the LKA would have acted heavily against the respondent no.4, cannot be denied. Considering such a consequence of filing of the instant PIL petition, which may have been a possibility at the time when the petition was filed, petitioner ought to have been more cautious and he ought to have acted in a more responsible manner especially, as observed above, because the petitioner happens to be a practising lawyer.

15. We also find it appropriate to observe that relationship between a



lawyer and his client is that of trust and is fiduciary in nature. The relationship is such that the communication happening between the lawyer and his client cannot be permitted to be divulged to any third party in terms of Section 126 of the Indian Evidence Act, 1872 (Section 132 of the Bharatiya Sakshya Adhiniyam, 2023). In this view, while acknowledging the basic duty of the lawyer to act on the instructions being given to him by his client, we are impelled to state, considering the facts of this case, that lawyers should also exercise a bit of caution while gathering facts to be pleaded in any proceedings.

16. In view of the discussions made above, we dismiss the petition along with all pending applications as withdrawn, however we also find it appropriate to impose costs upon the petitioner, which in the facts of the case, is quantified to be Rs.40,000/-. The costs shall be paid by the petitioner to the respondent no.4, within a month in her bank account through RTGS or any other electronic mode, the details of which are given as under:-

Account no.520101244788746
IFSC Code- UBIN0905461
Bank-Union Bank of India
Branch-Mayur Vihar

17. With the aforesaid observations and direction the petition stands dismissed as withdrawn.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

AUGUST 21, 2025

S.Rawat