(2014) 07 DEL CK 0187

Delhi High Court

Case No: W.P. (C) No. 4323/2014

Niloo Ranjan Kumar — APPELLANT

Vs

Union of India — RESPONDENT

Date of Decision: July 22, 2014

Citation: (2014) 7 AD 21 : (2014) 212 DLT 522 : (2015) 1 SLJ 157

Hon'ble Judges: G. Rohini, C.J; Rajiv Sahai Endlaw, J

Bench: Division Bench

Advocate: Muneesh Malhotra and Achin Mittal, Advocate for the Appellant; Jatan Singh, Abhimanyu Singh, T. Singhdev, Praveen Khattar, Advs., Dr. Abhishek Manu Singhvi and A. Sharan, Sr. Advs., Amit Anand Tiwari, Amit Bansal and Senjul Khanna, Advocate for the Respondent

Final Decision: Dismissed

Judgement

Rajiv Sahai Endlaw, J.

This petition filed as a Public Interest Litigation seeks, (i) a direction to the Central Bureau of Investigation (CBI) to investigate the admission process conducted by the respondent No. 4 Santosh Medical College, Ghaziabad (UP); (ii) a direction for appointment of a Committee to supervise the admission process conducted by all private medical colleges; (iii) de-recognition of the respondent No. 4 Santosh Medical College as a medical institute providing medical education; and, (iv) direction to the respondent No. 2 Medical Council of India to strike off the name of the respondent No. 5 Renuka Gautam from the medical register. The petitioner claims to be working in the field of investigative journalism, presently working with Jansatta as Senior Special Correspondent. Though the petition purports to raise the issue of private medical colleges admitting students who are not eligible for admission to the MBBS course but a reading of the petition leaves no manner of doubt that the same is directed primarily against the respondent No. 4 Santosh Medical College and respondent No. 5 Ms. Renuka Gautam. Such petition filed in public interest and targeted at a particular person always invites suspicion. The

Supreme Court in Neetu Vs. State of Punjab and Others, held that when a particular person is the object and target of a petition styled as PIL, the Court has to be careful to see whether the attack in the guise of public interest is really intended to unleash a private vendetta, personal grouse or some other malafide object. It was further held that the High Court ought not to have entertained such a petition. The dicta in Ashok Kumar Pandey Vs. The State of West Bengal and Others, that PIL is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest and ugly private malice, vested interest and/or publicity seeking is not lurking; it should be aimed at redressal of genuine public wrong or public injury was reiterated.

2. We have asked the counsel for the petitioner as to what was the reason for the petitioner to investigate the respondents No. 4 & 6 in particular. No document showing the process of investigation has been filed along with the petition. No specific averment against any other college or any wrongful admission made is found in the petition.

3. The counsel, except for stating that the petitioner while making investigations learnt of respondents No. 4 & 5, has no answer.

4. We may mention that even though this petition had come up for the first time on 16th July, 2014 and there is no requirement of furnishing advance copies to private respondents and there is no averment in the petition of having done so but the senior counsel for the respondent No. 4 Santosh Medical College appeared and while we were putting questions to the counsel for the petitioner informed that the petitioner has been blackmailing the respondent No. 4 Santosh Medical College and it is from the telephone calls made by the petitioner only to the respondent No. 4 Santosh Medical College that the respondent No. 4 Santosh Medical College learnt of the same.

5. The counsel for the petitioner controverts by contending that it was rather the respondent No. 4 Santosh Medical College which was offering money to the petitioner to not press the petition.

6. We need not go into the controversy any further. The same is enough for not entertaining this petition and for dismissing the same. Dismissed. The petitioner to in any future PIL filed by him annex a copy of this order. However, the dismissal of this petition be not construed as our having put imprimatur on the admission of the respondent No. 5 and to not come in the way of the authorities concerned if find any illegalities in respondent No. 4 college or in any other college in the admission process, from taking action with respect thereto.