

(2010) 07 JH CK 0030

Jharkhand High Court

Case No: None

Jharkhand High Court Legal
Services Committee

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: July 19, 2010

Acts Referred:

- Jharkhand Legal Services Authority Regulations, 2002 - Regulation 12

Hon'ble Judges: Sushil Harkauli, Acting C.J.; Dhirubhai Naranbhai Patel, J

Bench: Division Bench

Judgement

1. This public interest litigation (PIL for short) has been initiated by the Jharkhand High Court Legal Services Committee seeking directions to the State Government and its officials to prevent ragging of fresher students in various colleges.
2. While the motives of the petitioner may be laudable, but the case gives rise to a serious issue, namely whether this kind of PIL should be initiated by the petitioner as a statutory body. Learned Counsel for the petitioner relies upon Regulation 12 of the Jharkhand Legal Services Authority Regulation, 2002.
3. We are *prima facie* of the opinion that despite the Regulation 12, it is beyond the scope of the functions of the Jharkhand High Court Legal Services Committee to become a litigant itself.
4. Regulation 12(a) only empowers the Committee to "recommend" filing of Public Interest Litigation. It does not empower the Committee to itself file a Public Interest Litigation.
5. There are strong reasons for the view we are taking in this case for future guidance of the petitioner.

6. Firstly if a Public Interest Litigation is dismissed with costs, sometimes even exemplary costs, it would not look very befitting where the Committee itself is the petitioner.

7. Secondly this Public Interest Litigation is supported by an affidavit of the Secretary of the Committee, who is an officer of the rank of District Judge. In case some averments of the affidavit are found to be of a nature, which would require this Court to recommend/take action for concealment of any material fact or for mis-statement of a material fact, it would become very awkward for the Judicial Officer.

8. Lastly the Committee is headed by an Hon"ble sitting Judge of this Court and when the Committee is the petitioner, the Hon"ble Judge being part of the Committee also becomes a litigant, which would not be appropriate and may also cause embarrassment both to that Hon"ble Judge as well as to the Bench deciding the case, in case after contest any adverse order is required to be passed.

9. While even the High Court can be a litigant, but that is normally in compelling circumstances either as a respondent or where there is no other option. The High Court does not initiate optional litigations.

10. We therefore decline to entertain this Public Interest Litigation from the side of the Jharkhand High Court Legal Services Committee, leaving it open to the petitioner to "recommend" in accordance with Regulation 12, to the appropriate person or body to file a PIL on this count.