

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(PIL) No.6977 of 2023**

Arun Kumar, S/o Late Narain Pandit, Village Bella, P.O.
Murkmanai, P.S. Markacho, District Koderma (Jharkhand).
..... Petitioner.

-Versus-

1. The Union of India.
2. The Secretary, Ministry of Home, Government of India.
3. The Director, Central Bureau of Investigation, Plot No.5/B, CGO Complex, Lodhi Road, Jawaharlal Nehru Stadium Marg, New Delhi-110003.
4. The Director, Enforcement Directorate, Headquarters, 6th Floor, Lok Nayak Bhawan, Khan Market, New Delhi.
5. The State of Jharkhand.
6. The Chief Secretary, State of Jharkhand, Project Building, Dhurwa, Ranchi.
7. The Home Secretary, State of Jharkhand, Project Building, Dhurwa, Ranchi.
8. The Director General of Police, Jharkhand, Anti-Corruption Bureau, Adre House, Ranchi.
9. The State of Bihar.
10. The Chief Secretary, Government of Bihar, Government Secretariat, Patna, Desh Ratna Marg, Rajbansi Nagar, Patna.
11. The Home Secretary, Government of Bihar, Government Secretariat, Patna, 401, Bailey Road, Nand Gaon, Rajbansi Nagar, Patna.
12. The Director General of Police, Bihar, Government Secretariat, Patna, Sardar Patel Bhawan, Bailey Road, Patna.
13. Anurag Gupta, I.P.S., Rani Kothi, Doranda, Ranchi.
14. Priya Dubey, I.P.S., Ashok Nagar, Road No.1, Argora, Ranchi.
15. Santosh Dubey, I.P.S., Ashok Nagar, Road No.1, Argora, Ranchi.
..... Respondents.

**CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner : Mr. Rajeev Kumar, Advocate
Mrs. Niteshwari Kumari, Advocate
For State of Jharkhand: Mr. Sanket Kumar, AC to AAG-V
For State of Bihar : Mr. Divakar Upadhyay, AC to GA

Reserved on 29.04.2025 Pronounced On 05.06.2025

Per: Rajesh Shankar, J.

1. The present writ petition in the form of Public Interest Litigation
has been preferred with following prayers: -

- (i) For issuance of direction upon the respondents no. 3 & 4 to investigate the Magadh University P.S. Case No. 64 of 2000 dated 17.10.2000 registered u/s 167, 168, 468, 471, 474, 109, 116, 119, 120(B) 201 I.P.C. and 13(2) Prevention of Corruption Act 1988, whereby all the accused persons have been sent for trial except Respondent no.13 (I.P.S). and his wife Sikha Gupta for their act of forgery and purchasing fake degree of M.A. (History) on the basis of which she has become Lecturer in Magadh University, Bihar.
- (ii) For issuance of direction upon the respondent no. 3 & 4 to investigate the accumulation of disproportionate assets by the respondent no.14- Priya Dubey, I.P.S., ADG, in Jharkhand Police & her husband, namely, Santosh Dubey, I.P.S. (the respondent no.15 herein), as the C.B.I. has already raided their premises and has lodged FIR on 10.07.13, but investigation could not progress because of their strong connection in Jharkhand political circle.
- (iii) For issuance of direction upon the concerned respondents to immediately stop these officers from performing their duties and responsibility in their respective departments, as under the garb of the post of Police Officers, they are indulging in illegal business & these tainted officers are having hands in glove with tainted ministers of Jharkhand & they are protecting their mutual interest.

- (iv) For issuance of direction upon the respondent no. 4 to submit the investigation report before this Hon'ble Court, as there is an ECIR registered by E.D. against the respondent no.14-Priya Dubey, I.P.S. & her husband under PML ACT 2005, and the investigation has not been completed till date.
2. The learned counsel for the petitioner submits that the petitioner is a social activist and he has no personal interest, either directly or, indirectly. It is submitted that respondent no.13 who at the time of filing of the present writ petition was holding the post of Director General, (CID) is involved in number of cases, but surprisingly all the cases never attended their logical end due to his influence. It is further submitted that respondent no.13 managed to get degree of M.A. in 'History' from Magadh University, Bihar for his wife namely Sikha Gupta without her appearing in the examination and to that effect an F.I.R being Magadh University P.S. Case No. 64/2000 was registered on 17.10.2000. In the said case, various persons faced criminal prosecution except respondent no.13 and his wife- Sikha Gupta as respondent no.13, being a influential person managed the case and no sanction for prosecution was given against them. Respondent no.13 opted Jharkhand Cadre at the time of reorganization of the erstwhile State of Bihar and he kept the said matter lingering due to his management skills.
3. It is pleaded in the writ petition that in the year 2016, respondent no.13 was found managing the election process in Rajya Sabha

Election of 2016 and as per the direction of the Election Commission of India, an FIR was Lodged against him in Jagarnathpur Police Station which is also pending investigation. Hence, the State of Bihar, State of Jharkhand and the Ministry of Home, Govt. of India must initiate appropriate legal action against Respondent no.13, so as to impart justice to the residents of the State of Jharkhand.

4. It is further submitted that respondent no.14 and respondent no.15- wife and husband are IPS Officers and have accumulated huge wealth from unknown sources for which an FIR was registered by the Central Bureau of Investigation on 10.07.13 and the Enforcement Directorate also registered ECIR. Moreover, respondent no.15 is also involved in illegal coal trade with a person, namely, Sonu Aggrawal @ Amit Aggrawal.
5. Per contra, learned counsel for the respondent-State submits that no public interest is involved in the present case and as such the same is liable to be dismissed. The present writ petition filed in the form of a PIL is not genuine, rather has been filed by the petitioner for extraneous reasons and ill motive. As such, it is not worth to be entertained.
6. Heard the learned counsel for the parties and perused the materials placed on record.
7. Thrust of the argument of the learned counsel for the petitioner is that the private respondents are working on top posts in the Government of Jharkhand and neither the Government of Bihar

nor the Government of Jharkhand is taking any action against them due to their influential status which has compelled him to file present PIL.

8. Before appreciating the rival contentions of the parties, it would be appropriate to refer the judgment of the Hon'ble Supreme Court rendered in the case of ***State of Uttaranchal Vs. Balwant Singh Chauhal & Others, reported in (2010) 3 SCC 402***, wherein it has been held as under: -

"181. We have carefully considered the facts of the present case. We have also examined the law declared by this Court and other courts in a number of judgments. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions:

(1) The Courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.

(2) Instead of every individual Judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the rules prepared by the High Court is sent to the Secretary General of this Court immediately thereafter.

(3) The Courts should prima facie verify the credentials of the petitioner before entertaining a PIL.

(4) The Courts should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.

(5) The Courts should be fully satisfied that substantial public interest is involved before entertaining the petition.

(6) The Courts should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.

(7) The Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.

(8) The Courts should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting

similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations."

9. Thus, before entertaining a PIL, the Court should ensure that the PIL is aimed at redressal of genuine public harm or public injury and there is no personal gain, private motive or oblique motive behind filing the public interest litigation. The Court should prima facie verify the credentials of the petitioner and should also be satisfied regarding correctness of the contents of the PIL petition.
10. In the case in hand, in support of the allegations levelled against the private respondents, the petitioner has only placed on record the copies of F.I.Rs. lodged against them which cannot be said to be sufficient to substantiate the same.
11. We are of the view that the allegations made by the petitioner against the private respondents are vague and unsubstantiated. As such, seeking further investigation in such a matter that too by filing a PIL is nothing but an abuse of the process of court.
12. Moreover, FIR being Magadh University P.S Case No. 64 of 2000 was lodged pursuant to the order of Patna High Court passed in PIL No.7146 of 1998 whereby direction was issued to institute an FIR against six government officials including respondent no.13 and Sikha Gupta and to investigate the allegations levelled against them.
13. The petitioner seeks investigation of the same incident after more than 25 years of the lodging of the said FIR alleging that though other accused persons were sent up for trial, however no action was taken against respondent no.13 and Sikha Gupta due to their influential position. In the case of respondent no.14 and

respondent no.15, the petitioner has sought investigation of an F.I.R. lodged by the CBI/ACB, Patna on 10.07.2013. The petitioner has not given any reason as to why he waited for such a long in moving this Court. If at all, the petitioner is a public spirited person, he should have promptly approached the appropriate forum/court, in case he had any grievance against the investigating agencies. Otherwise also, once the F.I.Rs. were lodged against the private respondents, the recourses provided under the Cr.P.C. were available to the concerned persons including the investigating agencies.

14. In the case of ***Bombay Dyeing & Mfg. Co. Ltd. (3) Vs. Bombay Environmental Action Group & Others, reported in (2006) 3 SCC 434***, the Hon'ble Supreme Court has held as under: -

"341. Delay and laches on the part of the writ petitioners indisputably have a role to play in the matter of grant of reliefs in a writ petition. This Court in a large number of decisions has categorically laid down that where by reason of delay and/or laches on the part of the writ petitioners the parties altered their positions and/or third-party interests have been created, public interest litigations may be summarily dismissed. Delay although may not be the sole ground for dismissing a public interest litigation in some cases and, thus, each case must be considered having regard to the facts and circumstances obtaining therein, the underlying equitable principles cannot be ignored. As regards applicability of the said principles, public interest litigations are no exceptions. We have heretofore noticed the scope and object of public interest litigation. Delay of such a nature in some cases is considered to be of vital importance. (See Chairman & MD, BPL Ltd. v. S.P. Gururaja [(2003) 8 SCC 567].)

342. In Narmada Bachao Andolan v. Union of India [(2000) 10 SCC 664] this Court held: (SCC p. 762, para 229)

"Any delay in the execution of the project means overrun in costs and the decision to undertake a project, if challenged after its execution has commenced, should be thrown out at the very threshold on the ground of laches if the petitioner had the knowledge of such a decision and could have approached the court at that time. Just because a petition is termed as a PIL does not mean that

ordinary principles applicable to litigation will not apply. Laches is one of them."

343. In R & M Trust v. Koramangala Residents Vigilance Group [(2005) 3 SCC 91] this Court laid down the law in the following terms: (SCC p. 109, para 23)

"Sacrosanct jurisdiction of public interest litigation should be invoked very sparingly and in favour of vigilant litigant and not for the persons who invoke this jurisdiction for the sake of publicity or for the purpose of serving their private ends."

It was further stated: (SCC p. 113, para 34)

"34. There is no doubt that delay is a very important factor while exercising extraordinary jurisdiction under Article 226 of the Constitution. We cannot disturb the third-party interest created on account of delay. Even otherwise also why should the Court come to the rescue of a person who is not vigilant of his rights?"

15. It is well settled principle of law that though there is no period of limitation prescribed for filing a writ petition, delay and laches are such factors which are required to be borne in mind by the High Court in exercise of its discretionary power under Article 226 of the Constitution of India. In an appropriate case, the High Court may refuse to invoke its extraordinary powers if there is negligence or omission on the part of the applicant in filing the writ petition. We are of the view that the said principle of denying consideration on grounds of delay and laches is also applicable to Public Interest Litigation when there is an inordinate delay in moving the court and such delay is not properly explained.
16. So far the incident of managing election process in Rajya Sabha Election of 2016 by respondent no.13 is concerned, it is the own case of the petitioner that an FIR to that effect was lodged and the investigation of the same was pending till filing of the writ petition. Moreover, in support of the said allegation the petitioner has not brought any material on record so as to prima facie satisfy

this Court about correctness of the same, which is a condition precedent to entertain a Public Interest Litigation.

17. It is made clear that we are not of the view that the conduct of the officers, occupying high chairs should not be investigated, yet such consideration is not possible on vague averments unsupported by relevant materials that too by filing a writ petition in the form of a PIL without prima facie satisfying the Court.
18. Pursuant to the direction issued by the Hon'ble Supreme Court in the case of Balwant Singh Chaufal (Supra.), the High Court of Jharkhand has framed the Jharkhand High Court (Public Interest Litigation) Rules, 2010. It has been mentioned in rule 4 of the Rules, 2010 that the petitioner in a public interest litigation shall state in clear terms the relief prayed for in paragraph-1 of the petition and the grounds in paragraph-2 thereof. Further, in paragraph-3 of the petition, the petitioner shall give his/her full and complete details so as to reveal his/her interest, credentials and qualifications relevant for the public interest litigation, along with a declaration that he/she has no personal interest, direct or indirect, in the subject-matter of public interest litigation. In addition, the petitioner shall set out all relevant facts along with available supporting data, reports, etc. Moreover, rule 4-B of the Rules, 2010 states that every public interest litigation will chronologically mention in detail all such other and earlier efforts with their result, which are within the knowledge, and which have been made by the concerned petitioner or others for obtaining the relief sought by filing the public interest litigation. Rule 5 of

the Rules, 2010 also provides that to encourage only genuine and bona fide public interest litigation and discourage public interest litigation filed for extraneous considerations, the Bench hearing a public interest litigation shall first verify the prima facie credentials of the concerned petitioner before entertaining any case as public interest litigation.

19. In the case in hand, the petitioner has made vague statement with regard to his credential in paragraph 3 of the present writ petition and as such the credential of the petitioner prima facie appears to be doubtful. Though, the petitioner has claimed that he is a social activist and is working for rooting out corruption in the society, he has failed to bring on record any document in support of the said claim. Moreover, it is the own admission of the petitioner that a criminal case being Lalpur P.S Case No. 247 of 2015 was lodged against him in which he had gone to jail. Thus, the present PIL seems to have been filed with revengeful attituded against the private respondents. That apart, for the allegation of getting fake degree in M.A (History) by the wife of respondent no.13 a PIL was earlier filed in the Patna High Court being PIL No. 7146 of 1998 and pursuant to the direction issued by the said High Court, an FIR being Magadh University P.S Case No. 64 of 2000 was lodged. Though the said fact was within the knowledge of the petitioner, he did not make specific averment in that regard in the present writ petition, which does not conform to the requirement of rule 4B of the Rules, 2010. Thus, the bona fide of the petitioner is in cloud.

20. In view of the aforesaid discussions, we do not find any reason to entertain the present writ petition and the same is, accordingly, dismissed.

(M.S. Ramachandra Rao, C.J.)

(Rajesh Shankar, J.)

Sanjay/AFR