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HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

Judgment reserved on : 28.10.2026

Judgment delivered on: 03.11.2026

Judgment (Full) uploaded on 3.11.2026

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D.B. Civil Writ Petition No. 1153/2024
CNR: RJHC010056572024 | URN: CW / 2422U / 2024

Vijay Singh Sheron S/o Shri Lal, Aged About 39 Years, C/o Shri Andaram Patel, Near Main Temple, Lordi Panditji Village, Karwar, Jodhpur-342307 (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary Higher Education, State Secretariat, Bhagwan Das Road, Jaipur.
2. The Secretary, Department Of Home, Government Of Rajasthan, Secretariat, Jaipur.
3. The Chancellor, Sardar Patel University Of Police, Security And Criminal Justice, Jodhpur, Through Its Secretary, Government House, Civil Lines, Jaipur.
4. Sardar Patel University Of Police, Security And Criminal Justice, Jodhpur, Through Its Registrar, Near Main Temple, Lordi Panditji Village, Karwar, Jodhpur-342307.
5. University Grants Commission, Through Its Secretary, Bahdurshad Zafar Marg New Delhi-111002.
6. Dr. Alok Tripathi, Vice-Chancellor, Sardar Patel University of Police, Security and Criminal Justice, Jodhpur, Near Main Temple, Lordi Panjitji, Village Karwar, Jodhpur-342307

----Respondents

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For Petitioner(s) : Mr. Satya Prakash Sharma with
Ms. Mamta Joshi

For Respondent(s) : Mr. Rajesh Joshi, Sr. Advocate assisted by Mr. Venkat Poonia
Mr. Ravindra Jala for
Mr. S.S. Ladrecha, AAG
Mr. Deepak Chandak, AAAG for
Mr. B.L. Bhati, AAG
Mr. Akshay Nagori

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HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

BY THE COURT: (PER HON'BLE MR. JUSTICE VINIT KUMAR MATHUR)

1. The present public interest litigation has been preferred by the petitioner assailing the constitutional validity of Section 11(1) of the Sardar Patel University of Police, Security and Criminal Justice, Jodhpur Act, 2012 (Act No. 32 of 2012), which received the assent of the His Excellency the Governor on 14.10.2012, as well as the legality and validity of the advertisement dated 12.12.2023, issued for appointment to the post of Vice-Chancellor of the respondent-University.

2. The grievance of the petitioner is that Section 11(1) Sardar Patel University of Police, Security and Criminal Justice, Jodhpur Act, 2012 (hereinafter referred to as 'the Act of 2012') does not prescribe the requisite eligibility criteria for appointment to the post of Vice-Chancellor and, allegedly, fails to ensure compliance with the regulations framed by the University Grants Commission,2018. It is contended that the provision confers unguided discretion upon the Chancellor to appoint a person as

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Vice-Chancellor without adherence to the requisite academic qualifications and eligibility conditions prescribed under the applicable regulatory framework. On these grounds, the petitioner has questioned the validity of the statutory provision and the consequential advertisement as being arbitrary and contrary to the applicable legal framework and consequently, the prayer has been made for removal of respondent No.6 from the post of Vice Chancellor of the Sardar Patel University of Police.

3. At the outset, learned counsel appearing for the respondents raised a preliminary objection with respect to the maintainability of the writ petition on the account of non-disclosure of the pendency of criminal cases against the petitioner in the wake of Rule 385F of the Rajasthan High Court Rules, 1952.

4. After raising of the preliminary objection by the learned counsel for the respondents, the learned counsel appearing for the petitioner has made the following submissions:

5. Learned counsel for the petitioner submitted that respondent No. 6, who is presently holding the post of Vice-Chancellor of Sardar Patel University of Police, Security and Criminal Justice, Jodhpur (hereinafter referred to as 'the respondent-University'), does not possess the requisite qualifications prescribed under the University Grants Commission (UGC) Regulations, 2018. Consequently, the petitioner has instituted the present writ petition seeking writ of *quo warranto*, challenging the legality of the appointment of respondent No. 6 to the said post.

6. Learned counsel submitted that a writ of *quo warranto* can be maintained at the instance of any person and that the

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petitioner is not required to establish any personal interest or *locus standi* for invoking such jurisdiction. In support of his submission, learned counsel placed reliance upon the judgment of the Hon'ble Supreme Court in ***Rajesh Awasthi v. Nand Lal Jaiswal***, reported in ***AIR 2013 SC 78***. He contended that the appointment of respondent No. 6 to the post of Vice-Chancellor is contrary to the eligibility criteria prescribed under Regulation 7.3(ii) and (iii) of the UGC Regulations, 2018.

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7. Elaborating upon the aforesaid contention, learned counsel submitted that, as per the UGC Regulations, 2018, a person appointed as Vice-Chancellor must be a distinguished academician possessing the highest level of competence, integrity, morals and institutional commitment, with a minimum of ten years' experience as a Professor in a University or ten years' experience in an equivalent position in a reputed research and/or academic administrative organization. However, respondent No. 6, Dr. Alok Tripathi, possesses only an undergraduate degree of Bachelor of Medicine and Bachelor of Surgery (M.B.B.S.) and does not have the requisite minimum ten years' experience as a Professor in any University or College, nor does he possess the requisite experience in an equivalent academic or research administrative position. He further contended that, merely on the basis of an undergraduate degree in the field of medicine, respondent No. 6 cannot be regarded as a distinguished academician possessing the qualifications and experience contemplated under the aforesaid Regulations. Thus, respondent No. 6 is wholly ineligible to hold the office of Vice-Chancellor under the UGC Regulations, 2018.

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8. Learned counsel vehemently submitted that respondent No. 6 is a person who is not legally entitled to hold the public office of Vice-Chancellor and, therefore, the respondent-State has committed a grave illegality in appointing him to the said post. He submitted that the appointment of respondent No. 6, being in contravention of the statutory eligibility requirements prescribed under the UGC Regulations, 2018, is liable to be declared illegal and unsustainable in law.

9. Learned counsel further submitted that the criminal cases pending against the petitioner have been instituted at the instance of respondent No.6, who is allegedly harbouring personal animosity towards the petitioner. He submitted that the criminal cases instituted against the petitioner are false and baseless and have been initiated with an ulterior motive. Therefore, the pendency of such cases cannot be construed as a disqualification or a ground to prevent the petitioner from instituting the present public interest litigation challenging the appointment of respondent No. 6, Dr. Alok Tripathi.

10. With regard to the disclosure of criminal antecedents, learned counsel submitted that the petitioner was not required to furnish particulars of the pending criminal cases in the present petition, as the same had allegedly been instituted by respondent No. 6 himself. Learned counsel further submitted that, since the present petition is in the nature of a writ of *quo warranto*, there is no requirement to disclose such particulars in terms of Rule 385-F of the Rules of the High Court of Judicature for Rajasthan, 1952.

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11. Learned counsel also challenged the constitutional validity of Section 11(1) of the Act of 2012. He submitted that Section 11(1) of the Act of 2012, which empowers the Chancellor to appoint a person from any discipline as the Vice-Chancellor of the respondent-University without prescribing any specific eligibility criteria, is *ultra vires* to the Regulation 7.3(ii) and (iii) of the UGC Regulations, 2018, and is, therefore, illegal and invalid. He submitted that the absence of prescribed eligibility criteria under the aforesaid provision enables the appointment of a person who may not possess the requisite academic qualifications, experience and institutional competence necessary for holding the office of Vice-Chancellor, particularly in a specialized institution such as the respondent-Police University. Such an appointment, according to learned counsel, would defeat the very objects and purposes for which the University was established, as envisaged under Section 5 of the Act of 2012.

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12. Learned counsel further submitted that the process initiated for appointment to the post of Vice-Chancellor was also contrary to the UGC Regulations, 2018, as well as the directions issued by His Excellency the Governor of the State of Rajasthan vide communication dated 09.03.2017, whereby specialized and professional Universities in the State were directed to adhere to the eligibility criteria prescribed for appointment to the post of Vice-Chancellor. He submitted that a bare perusal of the advertisement dated 12.12.2023 clearly reveals that the respondent-University had neither adopted nor adhered to the eligibility criteria stipulated under the aforesaid Regulations and

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directions. Consequently, the advertisement dated 12.12.2023, as well as the consequential process for appointment of respondent No. 6, deserves to be quashed and set aside.

13. Learned counsel further submitted that the UGC Regulations, 2018 do not provide for any exception in respect of the appointment of the first Vice-Chancellor of a University, nor do they prescribe any separate or special procedure for such appointment. It was contended that the State Legislature could not have prescribed an independent mechanism under Section 11(1) of the Act of 2012, dispensing with the eligibility requirements and procedure contemplated under Section 11(3) to Section 11(6) of the Act of 2012, read with Regulations 7.3(ii) and 7.3(iii) of the UGC Regulations, 2018. According to learned counsel, the power conferred upon the Chancellor under Section 11(1) cannot be exercised in derogation of the mandatory requirements prescribed under the UGC Regulations, 2018.

14. He, therefore, submitted that Section 11(1) of the Act of 2012, to the extent that it permits the appointment of the first Vice-Chancellor without adherence to the eligibility criteria and procedure prescribed under the UGC Regulations, 2018, is repugnant to the said Regulations and is liable to be declared *ultra vires*, void and inoperative. Learned counsel accordingly prayed that the appointment of respondent No. 6 as Vice-Chancellor of the respondent-University, along with the advertisement dated 12.12.2023 and the consequential selection and appointment process, be quashed and set aside.

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15. Per contra learned Senior Advocate Mr. Rajesh Joshi, appearing on behalf of the respondent no.6 and learned Additional Advocate General Mr. BL Bhati alongwith Mr. Deepak Chandak appearing for the respondents vehemently opposed the submissions made by the learned counsel for the petitioner. Learned counsel have raised the preliminary objection with respect to the maintainability of the present public interest litigation on the ground that the petitioner has committed flagrant violation of the norms governing the public interest litigation as the same has not been filed in accordance with the provisions of Rajasthan High Court Rules. It was contended that the petitioner instituted the present public interest litigation proceedings without adhering to the mandatory requirements prescribed under the Rajasthan High Court Rules, 1952.

16. Learned counsel drew the attention of the Court to Rules 385-F, 385-G and 385-H of the Rules of the High Court of Judicature for Rajasthan, 1952, which prescribe the disclosures, supporting material and declarations required to be furnished by a person/petitioner instituting a public interest litigation. It was submitted that Rule 385-F requires disclosure of the petitioner's social and public standing, professional status and public-spirited antecedents; the sources of finance for meeting the expenditure relating to the petition, along with the Permanent Account Number, if any; the source of information forming the basis of the averments; the facts constituting the cause and the nature of injury caused or likely to be caused to the public; the extent of the petitioner's personal interest, if any; and complete particulars of

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any civil, revenue or criminal litigation in which the petitioner has been involved before any Court or Tribunal. Learned counsel further referred to Rule 385-G, which requires a public interest litigation to be supported, as far as practicable, by prima facie proof and affidavits in respect of each substantive averment or allegation. Reliance was also placed on Rule 385-H, which mandates declarations regarding the research undertaken by the petitioner, annexation of the relevant material gathered during such research, and disclosure of whether the issue raised has already been adjudicated or a similar or identical petition has previously been filed, together with its status or outcome.

17. Learned counsel submitted that a litigant who does not approach the Court with clean hands and fails to make the requisite disclosures cannot claim consideration of the petition on merits. Learned counsel, therefore, urged that the present petition deserves to be dismissed at the threshold, with the imposition of exemplary costs upon the petitioner.

18. It was further submitted that abuse of the process of law in the name of public interest litigation constitutes a sufficient ground for this Court to decline to entertain the petition on merits. Learned counsel emphasized that the requirements under the aforesaid Rules are intended to ensure bona fides and prevent the misuse of the extraordinary jurisdiction of the Court in public interest matters. In particular, it was contended that the petitioner was also required to make full disclosure of his criminal antecedents in accordance with the applicable Rules, and any failure to furnish such disclosure would further disentitle him to

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invoke the jurisdiction of this Court by way of the present public interest litigation and, therefore, it is prayed that the present petition filed in the form of public interest litigation be dismissed with heavy costs.

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19. Heard the learned counsel for the parties and perused the material available on record.

20. A detailed scrutiny of the record of this case reveals that the personal grudges and complaints against the respondent no.6 have been camouflaged in the form of filing the present public interest litigation. We note that the respondent no.6 was the vice chancellor of the University from 2020-2023 and the petitioner was working at the relevant point of time as Assistant Professor in the same University. At that point of time, no grievance was raised against the respondent no.6 by the petitioner regarding the requisite qualification and he was appointed under the same rules, but the problem started when the proceedings were initiated against the petitioner by the respondent no.6 by way of filing criminal complaints and the disciplinary proceedings were initiated against him for committing offences under Sections 354, 354A, 354D, 384 and 509 of IPC and also under the Sexual Harassment of Women at Workplace Act, 2023 and for the offences under Section 4,5 and 6 of the Rajasthan Public Examination (Prevention of Unfair Means) Act, 1992. It appears that only after proceedings were initiated against the petitioner by respondent No. 6, the petitioner began to explore an opportunity to settle personal scores with respondent No. 6. The conduct of the petitioner while filing the present writ petition give rise to a strong inference that

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the same has been instituted not out of any genuine concern for public interest, but to score personal vendetta of the petitoner against respondent No. 6. Had the petitioner been acting bona fide and with a genuine intent to espouse a cause in public interest, he ought to have approached this Court at the appropriate stage, particularly when respondent No. 6 was initially appointed as Vice-Chancellor in the year 2020 under the Rules prevelant in the year 2020. It is, however, significant that the petitioner did not question the said appointment at that point of time and chose to institute the present Public Interest Litigation only in the year 2024, after proceedings had been initiated against him by respondent No. 6. It is further pertinent to note here that the Rules governing for appointment of the Vice-Chancellor remained unchanged between the years 2020 and 2024. Respondent No. 6 was initially appointed in the year 2020 and was subsequently reappointed in the year 2024 by resorting to the very same Rules. Thus, despite being fully aware of the appointment of respondent No. 6 under the aforesaid Rules in the year 2020, the petitioner chose not to question his initial appointment and approached this Court only upon the subsequent reappointment in the year 2024. This sequence of events, when viewed in the backdrop of the proceedings initiated against the petitioner by respondent No. 6, lends considerable credence to the inference that the present litigation is nothing but an attempt of the petitioner to as to wrack personal vengeance.

21. It is an admitted fact that the petitioner has filed this petition as a public interest litigation and therefore, the filing of the public

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interest litigation in the Rajasthan High Court is governed by the provisions of Rule 385 of the Rules of Rajasthan High Court rules and the connected provisions.

22. For brevity, Rule 385 of the Rajasthan High Court Rules is reproduced herein below:

> **385-F.- Facts to be disclosed.-**
>
> A petition filed in public interest shall disclose-
>
> (1) *the social public standing/professional status and public spirited antecedents of the petitioner/ petitioners;*
> *(2) the sources of finance for meeting the expenditure related with the petition alongwith Permanent Account Number, if any, with the Income Tax Department;*
> *(3) the source of the information on which the averments made in the petition are based; information on which the averments.*
> *(4) the facts constituting the cause;*
> *(5) the nature of injury caused or likely to be caused to the public;*
> *(6) the nature and extent of the personal interest, if any, of the petitioner/petitioners involved in the cause;*
> *and*
> *(7) as to whether the petitioner, or any of the petitioners when there are more than one, is or has been involved in any other civil, revenue, criminal litigation in any capacity before any Court or Tribunal and if so, complete details of such litigation including the subject matter thereof."*

23. A bare perusal of the rules quoted herein above, particularly sub-rule (7) of rule 385F mandates that a person/petitioner(s) who is filing the public interest litigation is required to disclose the details of the criminal cases filed against him/pending against him and such disclosure has been held to be **mandatory disclosure**. As mentioned in the reply filed by the respondent no.6, against

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petitioner, following cases are pending/decided against the petitioner:

S.NO.	Case Details	Provision/subject matter	Present status
1.	FIR no.141/2022 Karwar Police Station, Jodhpur dated 16.8.2022 (filed by the Registrar, Sardar Patel University of Police, Security and Criminal Justice (SPUP), Jodhpur	Section 4,5 and 6 of Rajasthan Public Examination (Prevention of Unfair Means Act, 1992)	• Prosecution sanction has been given by the Board of Management, SPUP, Jodhpur • Charge-sheet filed in the court.
2.	FIR NO.174/2022 Karwar Police Station, Jodhpur dated 23.9.2022 (filed by a Girl Student, Sardar Patel University of Police Security and Criminal Justice Jodhpur)	Section 354, 354A, 354D, 384 of IPC 1860	• Charge sheet filed
3.	FIR NO.216/2022 Karwar Police Station, Jodhpur dated 14.12.2022 (filed by a Girl Student, Sardar Patel University of Police Security and Criminal Justice Jodhpur)	Section 354, 354A, 354D, 509 of IPC 1860	• Charge sheet filed
4.	Inquiry report on paper leak by internal committee	N.A.	• Report submitted by the committee to the University. • Petitioner found guilty. • Notice has been issued to the petitioner (suspended) for major penalty.
5.	Internal Complaint Committee (ICC) under Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013	NA	Inquiry pending, meanwhile petitioner (suspended) has been recommended by the ICC not to enter in the University Premises. ICC has recommended maximum major punishment which has also recommended by Board of management
6.	Inquiry on submitting fake transport bill	NA	Minor penalty (stoppage of 2 increments without future effect) on 5.9.2023

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7.	Preventive arrest by Kanwar Police Station on 5405/2022 dated 30.11.2022	Under Section 107, 151 of Cr.P.C.	Released on bail on personal bond
8.	SB Cr. Misc. Petition No.7166/2022	Under Section 482 in connect with FIR No.141/2022, PS Kanwar Section 482	Pending
9.	SB Cr. Misc. Petition No.6722/2022	U/s 482 Cr.P.C. in connect with FIR No.174/2022, PS Karwar Section 482	Pending
10.	SB Cr. Misc. Petition No.8842/2022	u/s 482 Cr.P.C. in connection with FIR No.16/2022, PS Karwar Section 482	Pending

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24. The petitioner has conveniently not mentioned particulars of such pending/decided cases against him.

25. In the considered opinion of this court, this is a material suppression of fact. The conduct of the petitioner in view of the discussions made above dis-entitles him from raising any dispute with respect to the validity of the rules in the shape of the public interest litigation.

26. The Coordinate Bench of this Court in the case of ***Himmat Singh Gehlot Vs. State of Rajasthan*** **(D.B. Civil Writ Petition No.24826/2025)** has held as under: -

> "16.In this context, Rule 385-F of Rules of the High Court of Rajasthan, 1952, Chapter XXII A, may be seen, the same reads asunder:
>
> **385-F.- Facts to be disclosed.-**
>
> A petition filed in public interest shall disclose-
>
> (1) *the social public standing/professional status and public spirited antecedents of the petitioner/ petitioners;*
> *(2) the sources of finance for meeting the expenditure related with the petition alongwith Permanent Account Number, if any, with the Income Tax Department;*

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(3) the source of the information on which the averments made in the petition are based; information on which the averments.
(4) the facts constituting the cause;
(5) the nature of injury caused or likely to be caused to the public;
(6) the nature and extent of the personal interest, if any, of the petitioner/petitioners involved in the cause;
and
(7) as to whether the petitioner, or any of the petitioners when there are more than one, is or has been involved in any other civil, revenue, criminal litigation in any capacity before any Court or Tribunal and if so, complete details of such litigation including the subject matter thereof."

16.1. Rule, ibid, prescribes the **mandatory disclosures** that must accompany a petition filed in public interest litigation (PIL) so that the Court can examine the bona fides, credibility and locus of the petitioner at the very threshold. Of particular relevance are sub-Sub Rule (1), (6) and (7), which operate as safeguards against misuse of the PIL jurisdiction. Sub Rule (1) requires a petitioner in a PIL to disclose his social standing, professional status and public-spirited antecedents so that the Court can assess whether the litigation is genuinely motivated by public interest and not by private or collateral objectives."

27. In similar circumstances, a coordinate Bench of this Court in the case of ***Sandeep Soni Vs. State of Rajasthan & Ors*** (DBCWP No.2605/2026), decided on 13.4.2026, held as under:

"10.1. This Court further observes that the petitioner, while invoking the extraordinary jurisdiction of this Court, was under a statutory obligation to make complete and truthful disclosures in terms of Rules 385-F and 385-H of the Rules of the High Court of Judicature for Rajasthan, 1952; however, such mandatory disclosures have not been adhered to.

10.5. This Court notes that in D.B. Civil Writ Petition No. 16385/2022 (PIL), the petitioner has declared that he has no personal interest in the matter, which is not borne out from the overal conduct and repeated involvement of the petitioner in similar issues. This Court further finds that

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prior litigations were not disclosed and the declaration under Rule 385-H is incomplete and misleading. The assertion regarding absence of alternative remedy is also found to be incorrect.

10.7. This Court finds that in D.B. Civil Writ Petition No. 2605/2026 (PIL), the petitioner has once again falsely declared that no such writ petition had been filed previously, despite a series of earlier petitions. This Court further observes that the petitioner has not disclosed his criminal antecedents, prior adverse orders, or the repetitive nature of the cause of action, thereby making a materially false and misleading disclosure.

10.8. This Court further observes that in none of the petitions has the petitioner disclosed his criminal antecedents, which is a relevant factor while examining the bona fides of a litigant invoking public interest jurisdiction.

11. Thus, this Court is of the firm opinion that any litigant, who at any juncture as mentioned hereinbefore, tries to abuse the process of law, cannot be permitted to continue his litigation. The flagrant violation is on record, as the petitioner has not disclosed his criminal antecedents and has also not disclosed the details envisaged under Rule 385-F and 385-H of the Rules of the High Court of Judicature for Rajasthan, 1952 which require him to file the PILs within the well disclosed parameters. The overall conduct of the petitioner, in filing these petitions, has a cumulative impact, and the broader parameters of the challenges therein are of a Similar nature. Furthermore, once the litigant is tainted with the fact of not making the statutory disclosures and of filing wrongful affidavits, this Court ought to take a stringent view and deny such a litigant the right to continue litigation."

28. So far as the judgment relied upon by the learned counsel for the petitioner delivered the case of ***Rajesh Awasthi*** (supra) that anybody can file the petition seeking writ of quo warranto is concerned, we are of the considered opinion that the proposition is not disputed as canvassed by the learned counsel for the petitioner, but while filing the public interest litigation and praying a writ of quo warranto, the tenets for maintainability of the public interest litigation are required to be taken into consideration and

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in the present case, the same has been codified in the Rajasthan High Court Rules, 1952, which mandates the disclosure of criminal cases pending or decided against the person/petitioner(s) who is filing such petition. The suppression of facts regarding pending cases, in the considered opinion of this court, is a voluntarily act, more particularly, when all those cases were filed during the tenure of respondent no.6 and therefore, the argument of the learned counsel for the petitioner that the disclosure of those cases need not to be mentioned in the present case as they were filed by the respondent no.6, is noted to be rejected being baseless and unfounded as the law does not mandates that who is the complainant and what is the gravity of the offense. The law mandates only mentioning of the details with respect to the cases pending or decided against him and therefore, the argument of the learned counsel for the petitioner is fallacious.

29. The primary object and purpose of public interest litigation is to ensure access to justice for the weaker, disadvantaged and marginalized sections of society, to protect their fundamental rights and to secure redressal of genuine public wrongs or injuries arising from violations of statutory or constitutional provisions. The jurisdiction of public interest litigation is intended to advance the cause of public justice and cannot be permitted to be converted into an instrument for settling private disputes, vindicating personal grievances or bringing adversaries to terms. It is neither a forum for pursuing personal vendettas nor a mechanism for wreaking vengeance against an individual under the guise of espousing a public cause. Public interest litigation is a

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potent judicial remedy which must be invoked with utmost care, caution and circumspection. The Court, while entertaining such proceedings, is required to remain vigilant to ensure that the process of law is not abused by persons acting with oblique motives or pursuing collateral objectives. A genuine public cause must not become a cloak behind which personal malice, private interests, vested interests or publicity-oriented motives are sought to be advanced. The jurisdiction of this Court cannot be permitted to be misused by unscrupulous litigants seeking to settle personal scores by disguising private disputes as matters of public importance. The legitimacy of a public interest litigation, therefore, rests not merely upon the nature of the relief sought, but equally upon the *bona fides*, credibility and genuine public-spiritedness of the person invoking such extraordinary jurisdiction.

30. The scope of public interest litigation is considered and analyzed by the Hon'ble Apex Court in catena of judgments. We find it apt to quote the relevant paragraphs of the judgment of the Hon'ble Apex Court delivered in the case of ***Dr. B. Singh Vs. Union of India & Ors*** *reported in* ***2004(3) SCC 363***, which reads as under:

> "12. Public interest litigation 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 an ugly private malice, vested interest and/or publicity-seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be allowed to be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta. As indicated above, Court must be careful to see that a body of persons or member of public, who approaches the Court is

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acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The Court must not allow its process to be abused for oblique considerations by masked phantoms who monitor at times from behind. Some persons with vested interest indulge in the past time of meddling with judicial process either by force of habit or from improper motives and try to bargain for a good deal as well to enrich themselves. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busybodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs.

13. The Council for Public Interest Law set up by the Ford Foundation in USA defined the "public interest litigation" in its report of Public Interest Law, USA, 1976 as follows:

> "Public Interest Law is the name that has recently been given to efforts provide legal representation to previously unrepresented groups and interests. Such efforts have been undertaken in the recognition that ordinary market place for legal services fails to provide such services to significant segments of the population and to significant interests. Such groups and interests include the proper environmentalists, consumers, racial and ethnic minorities and others.

14. The Court has to be satisfied about (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. Court has to strike balance between two conflicting interests; (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the Court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the Executive and the Legislature. The Court has to act ruthlessly while dealing with imposters and busy bodies or meddlesome interlopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the name of Pro Bono Publico, though they have no interest of the public or even of their own to protect.

31. In ***Jaipur Shahar Hindu Vikas Samiti versus State of Rajasthan and others (2014) 5 SCC 530***, a Bench comprising

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of ***three Hon'ble Judges of the Hon'ble Supreme Court*** observed as under:

> "49. The concept of public interest litigation is a phenomenon which is evolved to bring justice to the reach of people who are handicapped by ignorance, indigence, illiteracy and other downtrodden people. Through the public interest litigation, the cause of several people who are not able to approach the court is espoused. In the guise of public interest litigation, we are coming across several cases where it is exploited for the benefit of certain individuals. The courts have to be very cautious and careful while entertaining public interest litigation. The judiciary should deal with the misuse of public interest litigation with iron hand. If the public interest litigation is permitted to be misused the very purpose for which it is conceived, namely, to come to the rescue of the poor and downtrodden will be defeated. The courts should discourage the unjustified litigants at the initial stage itself and the person who misuses the forum should be made accountable for it. In the realm of public interest litigation, the courts while protecting the larger public interest involved, should at the same time have to look at the effective way in which the relief can be granted to the people whose rights are adversely affected or are at stake. When their interest can be protected and the controversy or the dispute can be adjudicated by a mechanism created under the particular statute, the parties should be relegated to the appropriate forum instead of entertaining the writ petition filed as public interest litigation."

32. Keeping in view the aforesaid settled principles governing the exercise of jurisdiction in matters of public interest litigation, when the credentials and conduct of the petitioner are examined in the light of the material available on record, this Court finds that the present petition has not been instituted *bona fide*. The petitioner has not only failed to disclose the material particulars concerning the civil, revenue and criminal proceedings in which he has been involved, but has also withheld information which he was under a mandatory obligation to disclose in terms of Rule 385-F of the Rules of 1952. Such deliberate non-disclosure of material facts and failure to disclose the requisite antecedents of the petitioner

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amount to an abuse of the process of law and, in the considered opinion of this Court, are sufficient, by themselves, to disentitle the petitioner from invoking the extraordinary jurisdiction of this Court by way of public interest litigation.

33. In view of the foregoing discussions, and without entering into the merits of the substantive issues raised in the present petition, particularly the challenge to the constitutional validity of Section 11(1) of the Sardar Patel University of Police, Security and Criminal Justice, Jodhpur Act, 2012, this Court considers it inappropriate to examine the same in the present proceedings, leaving the question open to be considered in an appropriate case.

34. Consequently, the present writ petition, instituted in the nature of public interest litigation and it has been filed with ulterior motive so as to settle the personal score with the respondent no.6. The same is therefore, dismissed with costs of Rs.1,00,000/- (Rupees One Lakh only). The petitioner shall deposit the costs with the Rajasthan State Legal Services Authority.

(CHANDRA SHEKHAR SHARMA),J **(VINIT KUMAR MATHUR),J**

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