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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPIL No. 73 of 2022****(Judgment reserved on 12.01.2023)****(Judgment delivered on 18.01.2023)**

1. Dr. Sanjeev Agarwal S/o Lt. Sh. R.N. Agarwal, Aged About 54 Years R/o 201, Sector-3, Ward-22, Devendra Nagar, Raipur 492009, District : Raipur, Chhattisgarh
2. Bhupendra Singh Patel, S/o Sh. Bhagwan Singh Patel, Aged About 45 Years R/o D-304, Shailendra Nagar, Raipur District : Raipur, Chhattisgarh  
--- **Petitioners**

**Versus**

1. State of Chhattisgarh through Secretary, Department of Higher Education First Floor, Mahanadi Bhawan, Nava Raipur Atal Nagar Chhattisgarh 492002, District : Raipur, Chhattisgarh
2. University Grants Commission through its Secretary Bahadur Shah Zafar Marg, New Delhi- 110002, District : New Delhi, Delhi
3. MATS University, through its Registrar Aarang- Kharora Highway, Aarang, Chhattisgarh 493441
4. ISBM University through its Registrar Nawapara (Kosmi), Block and Tehsil Chhura, Gariyaband Chhattisgarh 493996, District : Gariyabandh, Chhattisgarh
5. All India Council for Technical Education through its Secretary Nelson Mandela Marg, Vasant Kunj, New Delhi- 110070, District : New Delhi, Delhi
6. Chhattisgarh Private Universities Regulatory Commission Madhu Pillai Square, Shanti Nagar, Raipur - 492001, District : Raipur, Chhattisgarh  
--- **Respondents**

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For the petitioners	:	Ms. Ayushi Agrawal, and Mr. Vivek Sharma, Advocates.
For State/respondent No. 1	:	Mr. Raghavendra Pradhan, Additional Advocate General
For respondent no.2	:	Mr. R.K. Gupta, Advocate
For respondent no.3	:	Mr. Pawan Kesharwani, Advocates

For respondent no.4 : Mr. Anand Mohan Tiwari, Advocate.  
For respondent no.5. : Mr. Ajit Kumar Singh, Advocate.  
For respondent no.6 : Mr. Manish Nigam, Advocate

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**Hon'ble Shri Justice Goutam Bhaduri, Judge &  
Hon'ble Shri Justice N.K.Chandravanshi, Judge**

**Per Goutam Bhaduri, J,**

1. Heard I.A.No.1/2022 application for waiver of *locus-standi* as also on admission.
2. By this petition filed under Article 226 of the Constitution of India, the petitioners have sought direction commanding all the private Universities in the State of Chhattisgarh to submit proof of compliance with the provisions contained in their respective Ordinances as well as guidelines issued by the UGC from time to time, with reference to conduct of examinations, enrollment and preparation and issuance of mark-sheets within a stipulated period. The petitioners also sought further direction to investigate the matter by C.B.I., register the FIR and to monitor the investigation/progress by the High Court.
3. The petitioners who claim to be RTI Activists have submitted that the Chhattisgarh Legislature enacted the Chhattisgarh Private Universities (Establishment and Operation) Act 2005 to establish self-financed private universities for promoting higher education in the State and accordingly respondent No.3 MATS University and respondent no.4 ISBM University opened in State of Chhattisgarh. The petitioners have alleged that certain

mal-practices are being adopted by the private universities as according to them, they are selling the mark-sheets to the persons who never enrolled with them and fabricated certificates for Diploma in Computer Application (DCA) were illegally issued by the MATS University and ISBM University. The petitioners contend that they could only lay hands on a photocopy of the said certificates. It was stated that a duplicate copy from the MATS University was issued in favour of Dr. Vinay Jaiswal, which was published in the media and the MATS University has issued the same despite the fact he has never studied there. Likewise, in respect of respondent no.4 ISBM University, it is alleged that it has issued a fake certificate of Diploma in Computer Applications (DCA) to a convict Balram, son of Chetan Sahu while he was undergoing life sentence in Central Jail since 29.01.2004 and having enquired about the same, it came to the notice and the University has admitted to have issued such mark sheets. Therefore, in order to curb the menace of fake certificates by recognized Private Universities the petitioner were compelled to take recourse to initiation of criminal proceedings before the Police Station but despite making out *prima facie* case, the complaint was not taken cognizance and after the enquiry it was closed by the Police.

4. The petitioners, therefore, would contend that the higher education system in the State is marred with corrupt practice with utter violation of the rules and regulations and likewise allegations have been levelled in respect of other Private Universities. It is submitted that the Private Universities established under the Act are required to adhere to follow strict norms with respect to admissions, minimum attendance criteria, conduct of examinations and maintaining records of total number of students enrolled, conferral of certificates etc., and instead the private Universities in the State of

Chhattisgarh have resorted to selling mark-sheets and issuance of fake and back-dated certificates, therefore, it is submitted that since the Universities are performing the public duties, as such, they are bound to follow the ordinance and norms and in order to regulate the mechanism and eradicate the menace of selling mark-sheets and fake certificates, the investigation by CBI and monitoring the progress thereof by this Court was prayed.

5. Before the case was admitted for hearing the preliminary submission of parties were thought to be considered.

6. Return on behalf of the State has been filed. The State has denied all the allegations made by the petitioners. It is stated that for the purpose of providing a regulatory mechanism at State Level and for working as an interface between the state Government and Regulatory bodies and to ensure appropriate standard of education, regulatory commission in the name of Chhattisgarh Private University Regulatory Commission under the C.G. Private Universities (Establishment and Operation) Act 2005 has been constituted. According to Section 15 of the said Act, the power is vested in Visitor i.e., the Governor to evaluate the decision taken by the authority whether it is in conformity with the provisions of the Act and the visitor may also ask for the opinion of the regulatory commission and may pass certain orders as deems fit. Further under section 36(8), the general duty of the Regulatory Commission is conferred to maintain the standards of the teaching, examination and research in the Private University and maintain the standards which includes various powers.

7. The reply of respondent no.3 MATS University has averred that the story as projected by the petitioners itself is vague and false for the reason

that the petitioners remained silent on the aspect as to how the said person managed to procure the alleged fabricated documents in the form of photocopy of the receipt and duplicate marks sheet issued by respondent no.3. It was stated that on the basis of forged and Photoshopped/Photostat mark-sheet and affidavit, an application was filed and one of the employee of the University has managed to issue, for which, the proceedings have been initiated against him. It was further stated that on enquiry by the University (R-3) from the person named in the alleged forged mark sheet, it was found that he never made any application to issue any mark-sheet and the entire exercise of making false application to the University along with false affidavit was carried-out by the petitioners to blackmail the said person and Universities to tarnish their image. In reply of respondent no.3., serious allegations have been levelled against the petitioner that he tried to black mail and foster the personal disputes against certain other Universities under the garb of RTI and since they succumbed to the illegal demands of the petitioners, they did not pursue any further claim against those universities and dropped the matters. It is further submitted that since the respondent no.3 did not yield to the illegal demands of the petitioners, they are trying to tarnish the image of the respondent No.3. Likewise, the reply of respondent no.4 ISBM University would show that after due enquiry, the allegations were found to be wrong, which is also corroborated by the reply of the State. After primary evaluation of the documents, it appears that the person Vinay Jaiswal, against whom it is alleged that forged mark sheet has been issued to him, is not before the Court. It is on the basis of photo-shopped/photostat copies of mark-sheet and affidavit and report made to the Police, the issue has been raised by the petitioners, who claim to be a public spirited persons.

8. In respect of ISBM University, it shows that after due enquiry the allegations made by the petitioner appears to be false. Prima facie, taking into consideration the allegation, the person in whose favour the documents were issued is not before the Court but the petitioners have tried to espouse the cause on the basis of photostat copies of documents and affidavit. How they are in hold of such photocopies of documents is not clear as the original of the said affidavit and the copy of police report about the misplaced/lost certificate submitted to the MATS University is not placed before this Court. The petition is styled as public interest litigation but the nucleus and genesis of papers and procurement is a doubtful issue when the persons named therein are not before any authority with complaint. Likewise in respect of ISBM University, the entire allegation after due enquiry was found to be forged. The petitioner has filed this petition as a public interest litigation. Prima facie, it appears that the instant petition styled as a PIL is nothing but a camouflage to foster personal disputes, as possession of certain photostat copies of affidavit and the documents and the report made to the police in respect of MATS University has a bearing to the subject issue. Serious allegations have been levelled against the petitioner that he is trying to blackmail the Universities. When there is complete mechanism provided which is vested in Chhattisgarh Private Universities Regulatory Commission which is a regulatory body constituted under Section 36 of the Chhatisgarh Private Universities (Establishment and Operation) Act, 2005, the petitioners instead of taking recourse to the provisions of Acts and Rules has directly rushed with this petition before this Court. Acceptance of this petition would amount to conducting a roving enquiry under the guise of PIL. The jurisdiction of PIL is meant to rescue the down-trodden and not for the purpose of serving the private ends or personal gains. It is also trite law that a person acting bona-

fide and having sufficient interest in the proceeding of public interest litigation will alone have a locus-standi and can approach the Court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration.

9. Applying the aforesaid principles to the facts of the instant case, it cannot be inferred that the petitioner is espousing the cause of public interest in any manner whatsoever. How the waiver of *locus-standi* of the petitioner can be granted is a question of serious doubt. Therefore, in view of such fact, the application (I.A. No.1) for waiver of *locus-standi* is dismissed. Further more, under the garb of PIL, the High Court cannot issue order for roving enquiry by usurping the power of Visitor i.e., His Excellency the Governor who is vested under the Chhattisgarh Private Universities (Establishment and Operation) 2005. In view of the foregoing discussion, the PIL appears to have been without any merit. Accordingly, the same is liable to be and is hereby dismissed. Consequently, I.A.No.1 of 2022 for waiver of *locus standi* also stands rejected.

**Sd/-**  
**(Goutam Bhaduri)**  
**Judge**

**Sd/-**  
**(N.K. Chandravanshi)**  
**Judge**

### **Head-Notes**

**(1) Under the garb of PIL, the Court cannot issue order for roving enquiry.**

**(2) The jurisdiction of PIL is meant to rescue the down-trodden and not for the purpose of serving the private ends or personal gains.**

(1) जनहित याचिका की आड़ लेकर न्यायालय अतिगामी जाँच का आदेश जारी नहीं कर सकता।

(2) जनहित याचिका कमजोर वर्ग के लोगों के बचाव हेतु है, इसका उद्देश्य निजी हितों तथा व्यक्तिगत लाभों को प्राप्त करना नहीं है।