

Court No. - 21

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 26295 of 2017

Petitioner :- Shubham Pushkar

Respondent :- State Of U.P. & 3 Others

Counsel for Petitioner :- K.P. Singh Kaushal, Umesh Narain Sharma

Counsel for Respondent :- C.S.C., Ajeet Kumar Singh

Hon'ble Krishna Murari, J.

Hon'ble Shailendra Kumar Agrawal, J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State.
2. This Writ Petition in the nature of Public Interest Litigation (P.I.L) has been filed by the petitioner seeking a writ of mandamus commanding the respondents to provide study material to the students of the University for each and every academic year within stipulated time and further a writ of mandamus has also been claimed to command the respondents to initiate enquiry against the persons responsible for delay in delivery and non-delivery of study material to the students of the University as well as misappropriation of the money charged from the students for study material by such irregularity.
3. The aforesaid relief has been sought in the background of the fact that the Uttar Pradesh Rajarshi Tandon Open University is an open University awarding degrees and diplomas in different disciplines and imparts education through distant mode by providing study materials to the students who enrolled themselves in various courses.
4. The allegation made in the writ petition, which can be said to constitute a basis for claiming the above noted reliefs are contained in paragraph nos. 11, 12, 13, 14 and 15 of the writ petition, which are reproduced herein under:-

"11. That the students study material sent by the University and made assignment which is required to be submitted to the study Centers by the time prescribed in the schedule. Last date for submission of the assignment for the academic year 2016-17 is 30.04.2017 which extended up to 30.05.2017.

12. *That the examination schedule for the academic session 2016-17 has also been declared and going to commence from 6.6.2017.*

13. *That the study material required to be sent to the students never given to the students by time every academic year. Even, the study material to the students for the academic session 2016-17 has not been completely given to all the students yet.*

14. *That delay in supply of the study material to the students every year is serious issues which adversely affect the study of the students as well as qualitative education.*

15. *That the University itself admits the delay and incapability to provide study material to all the students by time for this academic year and in this regard the University released a press note that the study material and assignment papers is available on the website of the University which can be downloaded by the students for study and preparation of the assignment.*

Premises when the Police further handled the peace of “ The University.”

5. Except for making the aforesaid bald allegations in the writ petition, there is no supporting material to substantiate the allegations. The entire writ petition appears to be based on an alleged newspaper report dated 21.04.2017, which has been filed as Annexure No.6 to the writ petition.

6. The Apex Court in the case of **People's Union for Democratic Rights v. Union of India, (1982) 3 SCC 235** has observed that the public interest litigation is a cooperative or collaborative effort by the petitioner, the State or public authority and the judiciary to secure observance of constitutional or basic human rights, benefits and privileges upon the poor, downtrodden and vulnerable sections of the society.

7. Public Interest Litigation means a litigation to espouse Public Interest. Hon'ble Supreme Court in **Janta Dal Vs. H.S. Chaowdhary, AIR 1993 SC 892** held that 'Public Interest' does not mean mere curiosity.

8. Public Interest Litigation was initially evolved as a tool to take care of the fundamental rights under Article 21 of the Constitution of

the marginalised sections of the society who because of their poverty and illiteracy could not approach the court. In quintessence it was initially evolved to benefit the have-nots and the handicapped for protection of their basic human rights and to see that the authorities carry out their constitutional obligations towards the marginalised sections of people who cannot stand up on their own and come to court to put forth their grievances.

9. In the present case, the persons namely, the students studying in the Open University, for whose benefits, Public Interest Litigation is said to have been filed are not marginalised sections of the society who are unable to approach this Court because of their poverty and illiteracy.

10. Apart from above, except for quoting some un-authenticated newspaper reports, there is absolutely no material on record to substantiate the allegation, which had form the factual basis for filing this Public Interest Litigation. There is nothing on record to indicate that any of the student has ever come forward making complaint with respect to not providing the study materials or in respect of the examination schedule.

11. Petitioner appears to be busy, having unnecessarily approached this Court without any locus in the matter and without any cause of action.

12. The Public Interest Litigation, accordingly, fails and stands **dismissed**.

Order Date :- 5.6.2017
SFH