

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 31550 of 2021

Petitioner :- Mohammad Imran

Respondent :- State Of U.P. Thru Addl.Chief Secy.Minority Wefare And Ors.

Counsel for Petitioner :- Madan Gopal Tripathi

Counsel for Respondent :- C.S.C.,Afzal Ahmad Siddiqui

Hon'ble Devendra Kumar Upadhyaya,J.

Hon'ble Subhash Vidyarthi,J.

Heard Sri M.G. Tripathi, learned counsel for the petitioner and Sri Amitabh Rai, learned Additional Chief Standing Counsel representing the State-respondents.

These proceedings under Article 226 of the Constitution of India have been instituted ostensibly in public interest by the petitioner who states that he is a farmer and has filed this petition in general public interest to point out corruption in the appointment of teaching and non-teaching staff in certain Madarsas.

Before proceeding to consider the matter, we may quote the prayer clause of this writ petition, which runs as under :

"i. Issue a writ, order or direction in the nature of Mandamus there by commanding the opposite parties number 1 to 4 to carry out their lawful duties with honesty in the whole state of U.P. within time frame as pleases this Hon'ble Court so that huge public funds swallowed by culprits for running Madarsas only on paper may be recovered from them and they may be prosecuted expeditiously as soon as possible in the interest of justice.

ii. Issue a writ, order or direction in the nature of Mandamus thereby commanding the opposite party No.5 to take every lawful steps immediately against the culprits who swallowed the huge public fund by showing and running Madarsa on paper and who make illegal appointments during lockdown of 2020 for recovery of the said fund from their property and to get them prosecuted in expeditious manner in the interest of justice.

iii. Issue any other order or direction which this Hon'ble Court deems fit and proper in the interest of justice."

From perusal of the afore-quoted prayer clause of the writ petition, it is apparent that the prayers, instead of being specific, are omnibus in nature. The prayer to issue such a direction is absolutely vague and general in nature."To issue direction to the officers to carry out lawful duties with honesty" appears absolutely vague. The second prayer made in this petition is also vaguely worded and seeks a direction from the Court to the District Minority Welfare Officer/ Madarsa Education Officer,

Balrampur to take lawful steps against the culprits who have swallowed the huge public funds by running Madarsas on paper alone and made illegal appointments during lock-down in the year 2020.

When we look at the pleadings in the writ petition, what we find is that the petition has been filed annexing two newspapers/magazine reports published in the year 2012 and an application said to have been preferred by the petitioner under Section 156(3) Cr.P.C. in respect of Case Crime No.1120 of 2012 lodged at Police Station Kotwali Dehat Balrampur, District Balrampur. Petitioner has also relied upon an order passed way back in the year 2013 i.e. on 14.03.2013 by the District Magistrate, Balrampur who required the Superintendent of Police, Balrampur to do the needful in relation to investigation of certain First Information Report. Some other documents have also been annexed, which, in our considered opinion, are inadequate and insufficient to throw any light on the nature of alleged corruption in the Madarsas.

In view of the nature of prayers made in this petition, we are not inclined to entertain this writ petition. However, it will be open to the petitioner to persuade the appropriate authority, either the District Minority Welfare Officer, Balrampur or any other appropriate authority of the State Government in the Department of Minority Welfare and to bring to their notice the specific instances of corruption in regard to siphoning of the public funds and illegal appointments etc. and once any such an application is made by the petitioner to either of these authorities, it will be the legal obligation upon these authorities to consider the issue and take the matter to its logical end.

In case the petitioner also feels aggrieved by delayed investigation of the First Information Report in respect of Case Crime No. 1120 of 2012 lodged at Police Station Kotwali Dehat Balrampur, District Balrampur, under Sections 406, 409, 419, 420, 467, 468, 471, 120-B I.P.C. which is said to be presently conducted by the Economic Offences Wing, it will be open to the petitioner to apprise the Director General, Economic Offences Wing of such delay and in case the petitioner makes any such application to the Director General, Economic Offences Wing, he shall take appropriate decision thereon, with expedition.

With the aforesaid observations/directions, the writ petition is finally **disposed of**.

Order Date :- 4.1.2022/Sanjay