

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.159 OF 2016

Mr. Sapan Shrivastava .. Petitioner

Vs

Ministry of Human Resources
& Development & Anr. .. Respondents

...

Mr. Sapan Shrivastava, Petitioner-in-person, present.

Mr. N.D. Sharma with Ms. Rimi Jain i/b Mr. Rui Rodrigues for
Respondent No.1.

Mr. T.N. Subramanian, Sr. Advocate with Mr. Naushad Engineer,
Mr. Ankit Lohia and Mr. Pratik Kothari i/b I.C. Legal for
Respondent No.2.

Mr. K.S. Thorat, A.G.P. for Respondent No.4-State.

**CORAM: PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATED : 05TH SEPTEMBER, 2019.

P.C:-

1. This is yet another case of frivolous petition masked as a public interest petition and we find that the Petitioner is misusing the process of this court requiring strict action to be taken against the Petitioner.

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2. Filed in public interest, the Petition seeks a mandamus to be issued directing Respondent Nos.1 and 4 to register FIR against the Council for the Indian School Certificate for offences punishable under Sections 406, 420 120-B read with Section 34 IPC.

3. The Petitioner sought information from the Government of India under Right to Information Act concerning whether the Council for the Indian School Certificate was recognized or not and received a response from the Government of India, Department of School Education & Literacy on 20th January, 2016 that the Ministry of Human Resource Development had only two Education Boards being Central Board of Secondary Education (CBSE) and National Institute of Open Schooling (NIOS). However, it was informed to the Petitioner that 'Education' being in the Concurrent List of the Constitution, Education Boards are also set up by the State Governments either under the Act of the State Legislature or an Executive Order issued by the concerned State Government.

4. Without verifying from the State Governments, the Petition was filed praying as above.

5. The motive for the Petitioner to do so is evidenced from the printout generated from the world of the internet. The Petitioner

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has posted on the website that he is a campaigner against corruption and on the cloud funding website has opened a page. The said website enables the Petitioner to receive online donations. We have been shown a printout of the web page of the Petitioner. He admits that it is a printout of the web page and states that as a crusader against corruption, he is entitled to do so.

6. On the web page, the Petitioner has held himself out as a Social Activist cum Media Reporter fighting against corruption in Education sector. The Petitioner informs the viewers of his web page that there are over 200 illegal schools in Bombay and 70 in Thane.

7. Various schools have addressed communications to the Chief Executive and Secretary of the Council for the Indian School Certificate that they have been receiving threatening e-mails from the Petitioner. Copy of the e-mail received from the Petitioner has been shown to us. The Petitioner has threatened that he would file criminal complaint in public interest against the persons to whom the e-mail has been addressed.

8. The response filed has annexed documents showing recognition to the Board granted by virtually each and every State Governments and the Administrators of Union Territories in India.

9. We are satisfied that the Petitioner is misusing the process of

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the court for the reasons on the web page of the Petitioner he has been posting the orders passed by this Court in the instant Public Interest Litigation seeking funds from the public.

10. While dismissing the Public Interest Litigation, as punishment for gross abuse of process of the Court, we impose costs in the sum of ₹ 5 lakhs upon the Petitioner which he shall deposit with Respondent No.2 within four weeks from today. The Petitioner shall file with the Prothonotary & Senior Master of this Court proof of cost paid.

11. We direct the Registry not to entertain any Petition filed by the Petitioner in future unless the Petitioner files proof of cost paid to Respondent No.2 within four weeks from today.

12. We also request learned Senior Counsel for Respondent No.2 to file a FIR for extortion against the Petitioner.

13. The web page of the Petitioner is on the website of the Milaap Social Ventures India Pvt. Ltd., No.57, 1st Floor, 1st Main Road, Opp. Mini Forest, 3rd Phase, J.P. Nagar, Bangalore – 560078. We direct the said Milaap Social Ventures India Pvt. Ltd. to block the web page of the Petitioner for the reason the Petitioner is using the website of the said Company to generate funds by misusing the process of this Court.

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14. Registry shall forward a copy of this order to said Milaap Social Ventures India Pvt. Ltd.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)

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