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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE RAVI MALIMATH,
CHIEF JUSTICE
&
HON'BLE SHRI JUSTICE PURUSHAINDR KUMAR KAURAV
ON THE 29th OF MARCH, 2022**

WRIT PETITION No. 7035 of 2021

Between:-

**PRIVATE PARAMEDICAL COLLEGES WELFARE
ASSOCIATION**

(BY SHRI PARITOSH GUPTA - ADVOCATE)

.....PETITIONER

AND

- 1. STATE OF MADHYA PRADESH, THROUGH THE
CHIEF SECRETARY, GOVERNMENT OF M.P.,
VALLABH BHAWAN, BHOPAL, M.P.**
- 2. STATE OF MADHYA PRADESH, THROUGH THE
PRINCIPAL SECRETARY, TRIBAL WELFARE
DEPARTMENT, GOVERNMENT OF M.P.,
VALLABH BHAWAN, BHOPAL, M.P.**
- 3. THE DIRECTOR GENERAL LOKAYUKTA,
LOKAYUKTA HEAD QUARTER, BHOPAL (M.P.)**

.....RESPONDENTS

**(SHRI B.D. SINGH - GOVERNMENT ADVOCATE FOR
RESPONDENTS NO.1 AND 2 AND SHRI ABHIJEET AWASTHY -
ADVOCATE FOR RESPONDENT NO.3)**

.....
*This petition coming on for admission this day, Hon'ble Shri Justice
Ravi Malimath, Chief Justice passed the following:*

ORDER

The case of the petitioner is that it is a welfare Association of Private

Para Medical Colleges situated in the State of Madhya Pradesh. That the respondents in the guise of illegal scholarships are being taken by the students of the colleges are proposing to register criminal cases against them by lodging FIRs for such frauds being committed by the Colleges. Therefore, the instant petition is filed said to be in public interest. The petitioner seeks the following reliefs:-

"(i) That most of the members of the Petitioner Association against whom there are allegations of duplicacy of scholarship and the formula which has been adopted by the Respondents for depositing the duplicates scholarship and exonerated them the same formula may be adopted to the members of the petitioners Association.

(ii) That all proceedings which have been arisen from the duplicacy of scholarships and subsequently proceedings have been initiated against those College likewise the same formula should be adopted in this matter also.

(iii) Any other relief which this Hon'ble Court deems fit in the facts and circumstances of the case may also kindly be granted."

The learned counsel for the petitioner contends that in the guise of such a claim being put up that there has been large scale fraud involved in grant of scholarship to the petitioner, investigations have been taken on by the Lokayukta and other agencies. That the respondents are unnecessarily harassing the colleges.

On considering the contentions, we are of the considered view that there is no merit in this petition. Firstly, is the fact as to whether the petitioner has any *locus* to maintain this petition. The charge against the colleges is one of committing of fraud in the matter of scholarships being given to the students.

The allegation is that the students are collecting scholarships from various colleges by shifting from one college to another. Whether the allegation is right or wrong is not for this Court to decide. It is suffice that the allegations have been made against individual colleges. Therefore, it is they, in their individual capacity, that would have right to defend themselves. The same cannot be done by the association in the guise of a public interest litigation. There is no commonality of interest involved herein. The allegation is relatable to the individual colleges which are said to be committing the fraud in the grant of scholarships. Therefore, we find that such a petition is not maintainable.

Therefore, we are of the view that the provisions of the public interest litigation have been misused by the petitioner. The individual colleges are very well entitled to defend themselves but in the guise of preventing a criminal action, no public interest litigation would lie. Hence, we are of the view that since the public interest litigation has been misused by the petitioner, it would be appropriate to impose a cost of Rs.1,00,000/- (Rs. One lakh) on him. Consequently, the writ petition is dismissed.

The petitioner to deposit a sum of Rs.1,00,000/- (Rs. One lakh) with the Registry of this Court within a period of one week from today.

Call next week for compliance.

(RAVI MALIMATH)
CHIEF JUSTICE

(PURUSHAINDRA KUMAR KAURAV)
JUDGE