

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 26945 of 2015

Petitioner :- L.K. Khurana

Respondent :- State Of U.P. And 2 Ors.

Counsel for Petitioner :- Shams Uz Zaman

Counsel for Respondent :- C.S.C.

Hon'ble Dr. Dhananjaya Yeshwant Chandrachud, Chief Justice

Hon'ble Manoj Kumar Gupta, J.

The petitioner has moved these proceedings purportedly in the form of a public interest petition seeking the following relief:

"1. Issue a writ, order or direction in the nature of mandamus commanding/directing the respondents restraining the publishers from causing financial burden on the students and their guardian and also the State Govt. to the Government of Uttar Pradesh which is in gross violation of the Government Order no.D.I./2374 dated 10.4.2015."

The first part of the prayer which seeks to direct the State from restraining publishers from 'causing financial burden on the students and their guardians' cannot be entertained.

Learned Standing Counsel has placed on the record a compilation which indicates that a writ petition was filed before this Court in 2012, M/s Chitra Prakashan (India) Private Ltd. v. State of Uttar Pradesh (Writ-C No.35896 of 2012) in which it was held by a Division Bench of this Court on 25 July 2012 that a publisher who is not an approved publisher in the list of the State cannot compel the State to ensure that his books be accepted. However, the publisher would be entitled to sell his books in open market and could not be restrained from doing so unless prohibited by law.

The second part of the prayer in the petition seeks enforcement of a circular dated 10 April 2015 under which the Secondary Education Board had issued a communication to the District Inspectors for ensuring the supply of books from five authorized publishers for academic session 2015-16. The petitioner claims that there is a breach of this circular.

No specific complaint has been brought to the attention of the Court and in fact, the learned Standing Counsel has also stated that no complaint on the part of any parent or guardian has been brought to the notice of the Secondary Education Board. From the compilation, which has been placed on the record, it appears that arrangements have been made for academic session 2015-16 by notifying a list of authorized publishers for the sale of books at prescribed rates.

We direct that this list of authorized publishers should be given wide publicity by the second and the third respondents on the website of the department and in other conventional media to ensure that

parents and guardians of students have sufficient knowledge about the availability of books from authorized publishers, so as to enable them to purchase books from the authorized publishers at the rate fixed by the State Government. Insofar as the petitioner is concerned, the petitioner has not disclosed his bona fides, track records or credentials as required by sub-rule (3A) of Rule 1 of Chapter XXII of the Allahabad High Court Rules, 1952 which was inserted in view of the judgment of the Supreme Court in State of Uttaranchal vs. Balwant Singh Chauhal and others, reported in 2010 AIR SCW 1029.

No further directions are necessary apart from what has been observed by the Court in the earlier part of this order.

An application has been filed in these proceedings for impleadment by the authorized representative of a private publisher.

The application to intervene is allowed. Nothing which has been said in this order amounts to any encroachment on the rights of the intervenor, if any. The submissions which have been made on behalf of the intervenor are thoroughly misconceived and have no merit.

The petition is, accordingly, disposed of. There shall be no order as to costs.

Order Date :- 27.5.2015

RKK/-

(M.K. Gupta, J) (Dr. D. Y. Chandrachud, CJ)

Chief Justice's Court

C.M. Impleadment Application No. NIL of 2015:

In re:

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 26945 of 2015

Petitioner :- L.K. Khurana

Respondent :- State Of U.P. And 2 Ors.

Counsel for Petitioner :- Shams Uz Zaman

Counsel for Respondent :- C.S.C.

Hon'ble Dr. Dhananjaya Yeshwant Chandrachud, Chief Justice

Hon'ble Manoj Kumar Gupta, J.

Allowed.

For orders, see order of date passed on the memo of writ petition.

Order Date :- 27.5.2015

RKK/-

(M.K. Gupta, J) (Dr. D. Y. Chandrachud, CJ)