

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(PIL) No. 2606 of 2011

With

I.A. No.1162 of 2013

With

I.A. No.1613 of 2013

With

I.A. No.3565 of 2013

With

I.A. No.3280 of 2012

With

I.A. No.2557 of 2012

National Institute of Technology Teachers' Association, Saraikella Kharsawan Petitioner

Versus

Union of India & Ors. Respondents

CORAM: HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioner : Mr. Manoj Tondon, Amicus Curiae, Advocate
For the U.O.I. : Mr. Md. Mokhtar Khan (ASGI)
For the N.I.T : Mr. Manish Mishra, Advocate
For the Intervenor : Mr. Rajeev Sharma, Sr. Advocate,
Mr. Pramod Prasad Gupta, Advocate, and Mrs.
Lina Shakti, Advocate

23/Dated: 23rd September, 2013

Per D.N.Patel, A.C.J.

1. This Public Interest Litigation has been instituted mainly for the following prayers :-

“That in the instant application filed by way of public interest litigation, the petitioner prays for issuance of appropriate writ(s), order(s), direction (s) for initiation of a comprehensive investigation by an independent agency preferably by the Central Bureau of Investigation (CBI) into the malafide role of Respondent No.3 and 4 in the lawlessness that is prevailing in the campus of National Institute of Technology (NIT), Jamshedpur and the complete breakdown of administration of N.I.T which is the result of illegal appointment of teachers in NIT, financial irregularities increasing suicidal tendencies and suicides among the students. Unilateral decisions making process adopted by

Respondent No.3 in almost all the matters academic or administrative, non-initiation of any maintenance work in the premises of the institute and the indifferent attitude towards the well being of the students to the growth of academic values and excellence of NIT.

Further prays issuance of appropriate orders declaring the appointment of Respondent no.3 to the post of Director, NIT, Jamshedpur is in violation of the process of appointment as prescribed in the National Institute of Technology Act, 2007 and accordingly prays for issuance of direction(s) to the concerned authority to remove him from his post.

Further prays for passing such other writ(s), order(s) direction(s) for doing conscionable and equitable justice to the petitioner.”

2. For the aforesaid prayers, the petition was instituted with several detailed averments, allegations, photographs etc.

3. Initially this writ petition was not entertained as Public Interest Litigation and therefore, vide order dated 2nd April, 2012 counsel for the petitioner was replaced by appointing Amicus Curiae, mainly for the reasons that private interest was also involved in this petition and therefore, to circumvent this type of private interest litigation, this writ petition was treated as Public Interest Litigation, by appointing Amicus Curiae.

4. The Amicus Curiae, who was appointed to assist this Court, has submitted that vide Order No.8 dated 7th August, 2012, passed by this Court, direction was given to constitute an expert Committee to enquire into the allegation and counter allegation. Thereafter, final report of the said Committee was tendered to this Court, which runs into more than 750 pages approximately and along with affidavits and counter affidavits in this writ petition, total pages are more than 1000 pages, which has been highlighted in the report by the Amicus Curiae, in detail, who has submitted that at page no. 7 of the said report, the issues

involved in this writ petition have been crystallized by the Committee and the sub-headings have also been given and for each and every issues, separate discussion and conclusion have been drawn by the said Committee. The learned Amicus Curiae has also read over each and every issue, involved in this writ petition and the recommendations made by the said Committee.

5. We have perused the report and on perusal of the same, it appears that there are several types of issues, involved in the National Institute of Technology, situated at Jamshedpur. There are allegations about illegal appointments, misuse of the funds, teaching, suicidal tendency of students etc.. All these points have been dealt with, in detail, in the report of the said Committee, which is on record.

6. The learned counsel appearing for the original petitioner also highlighted several types of irregularities, activities of anti-social elements, theft, chain-snatching, and the problem about security. The earlier Security Agency, which was from Kolkata and which was given the contract, has already left the campus with effect from 01st April, 2009. Learned counsel for the original petitioner has also pointed out about the irregularities in conducting examinations and appointment of the teaching and non-teaching staff in the said Institute.

7. We have also heard learned counsel for the intervener in the I.A. No.3565 of 2013, who has also submitted that his son, namely, Uttam Kumar, has been murdered on 04.04.2012, but no investigation has taken place. This point has also been highlighted in this petition.

8. We have also heard learned counsel appearing for the Union of India, who has submitted that looking to the detailed report of the Committee, constituted in pursuance of the order of this Court, all recommendations given in the report, shall be implemented by the Union of India through the relevant Ministry,

namely, Human Resources Development Department or by the National Institute of Technology itself, but, proper monitoring and assistance will be given by the Human Resources Development Department, Govt. of India. It is further submitted by the Assistant Solicitor General of India that, in fact, there is no paucity of fund at all and even if some more fund is required, the same will be given by the Union of India to the said Institution. Otherwise also, looking to the balance sheet of the National Institute of Technology at Jamshedpur, it appears that sufficient fund are being allotted, but, the authorities of the said Institution are unable to utilize the same and thereby, the fund is being returned back, at the end of the financial year. The Assistant Solicitor General of India has also pointed out that all necessary logistics supports will be provided by the Union of India like technical knowledge etc., so that the recommendations made by the Committee, in detail, may not go in vain. Learned counsel also submitted that for small problems like the activities of anti-social elements and theft etc., compound wall will be constructed and security will be provided for proper care with the help and cooperation of the State of Jharkhand and it is further submitted by the Assistant Solicitor General of India that suitable direction may be given, so that this matter may come to an end.

9. Having heard all the learned counsels and looking to the facts and circumstances of the case, it appears that previously, various orders have been passed by the Division Bench of this Court and for implementation of said orders, a Committee was constituted vide order dated 07th August, 2012 of high ranking officers. The said Committee had inquired into the allegations and counter allegations made in this writ petition and also the genuine difficulties of the National Institute of Technology at Jamshedpur.

10. The said Committee had given final report on 16th August, 2013 and at

page nos. 6 and 7 several issues have been summarized by the said Committee under different headings like :-

- (I) Academic Issues;
- (ii) Administrative Issues;
- (iii) Governance Issues; and
- (iv) Financial Issues etc.

The sub-headings have also been given in this report for broad analysis of the issues.

11. Looking further to the report of the said Committee, which is on record, it appears that discussion has been made by the Committee for every sub-issues, referred under various headings, and for each and every small issues, recommendations have also been made. The final report given by the said Committee dated 16th August 2013, has already crossed more than one thousand pages, wherein referring to the said issues, recommendations have been made on each and every sub-issue. Suffice it to say that the recommendations made by the Committee shall be taken care of by Human Resources Development Department, Govt. of India and all logistic and technical assistance will also be provided by Union of India to resolve the issues/sub-issues, referred to by the said Committee, on the basis of the guidelines/recommendations of the said committee. These recommendations, like construction of compound wall, proper arrangement of Security Personnel, strengthening the administration of the Institution, stopping the ragging at the Institution, illegalities and irregularities in the appointment of teaching and non-teaching staff etc., will be properly appreciated by the Union of India and the guidelines/recommendations will be implemented at the institute, in question, i.e. National Institute of Technology at Jamshedpur,

12. We therefore direct that:-

(i) As the said Committee has been constituted by the Ministry of Human Resources Development Department (HRD), these recommendations shall be appreciated in its true letter and spirit by the Union of India, by taking all measures to implement these recommendations.

(ii) We also direct the Union of India to provide all logistic support, infrastructure and such other requirements to the National Institute of Technology to overcome the issues, which are referred to in the report from page no.6 onwards. The Union of India shall provide all financial assistance as per policy of the Central Government, to the National Institute of Technology at Jamshedpur for implementation of all the recommendations, referred to in the report of the said Committee dated 16th August, 2013.

(iii) The Union of India shall also seek proper co-operation and assistance from the State Government to provide proper security at the campus of National Institute of Technology like Home Guard and if necessary, Police Pickets shall also be installed and it is also expected from the high ranking officers of the State Government that whenever such recommendations are being made by the Union of India, either directly or through National Institute of Technology, as far as possible, the same will be provided by the State Government, as per the norms, Rules and Regulations and Governmental policy.

(iv) Counsel appearing for the National Institute of

Technology submitted that presently the institution is headed by Director.

It appears that this institution needs a strict Director, who can maintain strict discipline and who is having all the abilities to run such an institution smoothly.

(iv) We also direct the Union of India to take help of Chartered Accountants and Cost Accountants, if required, for curbing the financial irregularities, if any, prevailing in this institution looking to the high budget of the institution and also looking to the allegation of misuse of fund.

(v) We also direct the Union of India to take assistance of psychologist to prevent the suicidal tendency of the students. The city of Ranchi is having a very good institution, which is owned, managed and run by Central Government, namely, **“Central Institute of Psychiatry, Kanke”**. From this institution also the Union of India can take good psychologist/ psychiatrist and necessary programme may be conducted within the campus of the National Institute of Technology at Jamshedpur.

(vi) At this stage, the Assistant Solicitor General of India as well as Amicus Curiae appointed by this Court, submitted that the first and foremost requirement of this institution is to prevent the outsiders from entering into the campus and, therefore, construction of the compound wall is must for the institution.

So far as requirement of financial as well as police assistance is concerned, financial assistance has already been provided by the Union of India to the Institution, as submitted by

the Assistant Solicitor General of India and therefore, initially the assistance of Police is necessary for construction of the compound wall. We therefore direct the Director General of Police, Jharkhand, Ranchi, to provide necessary Police Force at the National Institute of Technology at Jamshedpur, whenever the construction work is being started. Either Union of India through the concerned department or the National Institute of Technology, Jamshedpur by itself shall write a letter at least four weeks in advance to the Director General of Police, Jharkhand, Ranchi and also to Superintendent of Police Saraikella-Kharsawan and Head of the nearest Police Station of this institution, so that all necessary preparation may be made by the Director General of Police or by the Superintendent of Police or by the Head of Saraikella-Kharsawan Police Station to provide necessary police force, if so required, for construction of the compound wall of the National Institute of Technology at Jamshedpur.

(vii) We also direct the State of Jharkhand that if any offence takes place within the campus of the said institution and if it is brought to the notice of the Police, immediate steps shall be taken by the Police in accordance with law to prevent such type of offence and if there is any need of recording F.I.R. the same shall also be recorded for further investigation.

13. The writ petition is disposed of in view of the aforesaid directions and consequent thereto, all the interlocutory applications are also hereby disposed of.

14. This Court appreciates the painstaking assistance rendered by the Amicus Curiae, namely, Mr. Manoj Tandon, for providing assistance to this Court, who has thoroughly read the matter and the detailed report dated 16th August 2013, submitted by the Committee, and has also properly analysed the same.

(D.N. Patel, A.C.J.)

(Amitav K. Gupta, J.)

fahim/Chandan

