

concealment of fact and the second is non impleadment of subsequent purchasers, which is absolutely unsustainable in view of discussion made hereinabove.

34. Therefore, in view of facts and circumstances of the case, impugned judgment and order dated 16.09.2024 and decree dated 19.09.2024 passed in Original Suit No. 356 of 2023 are bad and hereby set aside.

35. Both the parties are directed to maintain the status quo as on date with regard to nature of property. Both the parties are further directed not to execute any agreement to sale or sale deed and also not create third party right till the final disposal of Original Suit No. 356 of 2023.

36. With the aforesaid observation, Appeal is hereby **allowed**.

37. No order as to costs.

(2025) 6 ILRA 83
ORIGINAL JURISDICTION
CIVIL SIDE
DATED: LUCKNOW 11.06.2025

BEFORE

THE HON'BLE SAURABH LAVANIA, J.
THE HON'BLE SYED QAMAR HASAN RIZVI, J.

P.I.L. No. 638 of 2025

Deebandhu Samgra Swasthya Avam
Siksha Shodh Sansthan ...Petitioner
Versus
U.O.I. & Ors. ...Respondents

Counsel for the Petitioner:
 Moti Lal Yadav, Arti Rawat

Counsel for the Respondents:

A.S.G.I., C.S.C., Syed Mohammad Haider Rizvi

Public Interest Litigation – Maintainability – Requirement of disclosure of credentials – Rule 1(3-A), Chapter XXII, Allahabad High Court Rules, 1952 – PIL filed by a Trust through its Chairman challenging alleged irregularities in NEET-2025 Physics paper – No disclosure of credentials in precise and specific manner – No material to show espousal of cause of any marginalized section of society – Absence of authorization/resolution of Trust permitting Chairman to institute proceedings – Petition held not maintainable. (Paras 23, 28 to 32)

HELD:

The requirement of disclosure of credentials from the petitioner is indeed necessary to bring on record the complete background of the person who is coming before the Court. This information helps to establish the petitioner's credibility, locus standi, and his genuineness. Providing credentials also demonstrates that the petitioner has the necessary expertise, knowledge and understanding of the gravity and seriousness involved in the matter. The said information should not be vague and indefinite. The word 'credentials' connotes the qualities and the experience of a person that make him suitable for doing a particular job. (Para 23)

Thus, this Court has no hesitation to note that the petitioner has not disclosed credentials in the manner as required under the relevant Rules. Even otherwise, there is nothing on record to indicate that the petitioner has preferred the instant petition espousing the cause of any member of a disadvantageous section of the society or any person, who is downtrodden or for certain disabled person, who is unable to approach the Court or that the matter in question relates to infringement or denial of any basic human right to such marginalized section of the society which enables the petitioner to espouse their cause. (Para 28)

In the case of Balwant Singh Chauhal (Supra), the Hon'ble Supreme Court has observed that to

save the misuse of the process of the Court in the name of Public Interest Litigation, the Hon'ble Supreme Court has consistently pressed for the proper disclosure of the credential of the petitioner. Furthermore, under the Allahabad High Court Rules, 1952, the words 'should precisely and specifically state' as has been envisaged, itself indicates the importance and necessity of the disclosure of the credentials by the petitioner. The same cannot be ignored/overlooked by the Courts before entertaining a petition as Public Interest Litigation. (Para 30)

Upon due consideration of the facts in the light of the law laid down by Hon'ble Supreme Court, as discussed hereinabove, this Court is of the view that since credentials, as required under Sub-Rule (3-A), Rule 1 of Chapter XXII of the Allahabad High Court Rules, 1952, have not been disclosed as required nor it has been filed on behalf of the marginalized section of the society, poor, deprived, illiterate or the disabled persons, who cannot approach the Court independently for redressal of the legal wrong or the injury caused to them. (Para 31)

In addition to above, no document is on record to show that the person claiming himself to be the Chairman of the Trust is authorized to file the present writ petition on behalf of the Trust. The law on the subject is well settled that in absence of any resolution or the proof of authorization the petition is not entertainable. (Para 32)

Appeal dismissed. (E-14)

List of Cases cited:

1. St. of Uttaranchal Vs Balwant Singh Chaufal, reported in (2010) 3 SCC 402; (2010) AIR SCW 1029
2. Pankaj Srivastava Vs High Court of Judicature at Allahabad, reported in (2014) 3 UPLBEC 1832
3. Ashok Kumar Pandey Vs St. of W.B. & ors., reported in AIR 2004 SC 280
4. Bandhua Mukti Morcha Vs U.O.I. & ors., reported in 1984 (3) SCC 161

(Delivered by Hon'ble Saurabh Lavania, J
&
Hon'ble Syed Qamar Hasan Rizvi, J.)

1. Heard Shri Moti Lal Yadav and Ms. Arti Rawat, learned counsels for the petitioner, Shri Indrajeet Shukla, learned Additional Chief Standing Counsel for the the opposite party no.3, Shri S.B. Pandey, learned Senior Advocate-cum-Deputy Solicitor General of India assisted by Shri Varun Pandey, learned counsel for □opposite party no.1/Union of India and Shri Syed Mohammad Haider Rizvi, learned counsel for the □opposite party no.4.

2. Notice to the □opposite party no.2/National Testing Agency, in view of the order proposed to be passed, is dispensed with.

3. By means of the present petition, the petitioner has sought multiple reliefs in the nature of writ of mandamus which are as under :-

"i. Issue a writ in the nature of certiorari thereby stay/ quash the physics paper and also stay the upcoming result dated 14/06/2025 of NEET-2025 conducted on 04/05/2025 contained as ANNEXURE NO. 8 and 9 in this writ petition.

ii. Issue writ order or direction in the nature of mandamus directing the opposite party NO. 2 i.e. National Testing Agency (NTA) to reconduct the physics question paper of NEET 2025. In the interest of students at large.

iii. Issue a writ order or direction in the nature of mandamus directing the opposite party NO 1 to 4 to publish all the results related to NEET, JEE, IIT etc. in

public domain of all examinations along with response sheet as per the provisions of education policy 1986.

iv. issue a writ order direction in the nature of mandamus directing the opposite party NO 1 to pass an appropriate order for conducting a detailed inquiry of manipulation of physics question paper of NEET 2025 conducted on 04/05/2025 and take appropriate legal actions against the guilty persons involved in this scam.

v. issue a writ order or direction in the nature of mandamus directing the opposite party NO 1 to pass an appropriate order for conducting a detailed inquiry on huge variation in obtained marks of students belonging to different states of NEET 2024 results of all the states of the nation.

vi. Issue a writ order or direction in the nature of mandamus directing the opposite parties / competent respondents to abolish 15% All India Quota in state seats for saving the states from abnormal variations in NEET results which is against the mandate of article 14 of the constitution of India."

4. Precisely, the case of the petitioner is that the petitioner is a registered trust namely Deenbandhu Samgra Swasthya Avam Siksha Shodh Sansthan having its registered office at 17/675 Indira Nagar, Lucknow.

5. It has been stated that the aim and object of the trust is to promote modern education in the area of science, medicine and technology. The petitioner-Trust has annexed the copy of the Trust Deed as Annexure No. 1 to the writ petition and the Article 3 of the said deed provides the following aim and the objects for which the

petitioner's body has been established is as under :-

"ARTICLE 3.

AIMS AND OBJECTS FOR WHICH THIS FOUNDATION IS ESTABLISHED ARE:

3.1 To establish, run, support and grant aid/or others financial assurance to schools, Colleges, Hospitals, Medical Institutes, Technological Institutes Nursing Institutes, Dispensaries, Maternity Homes, Child Welfare Centre, Libraries, Reading Rooms, Laboratories, Research Centre and other Institutions of the like nature in India.

3.2 To create awareness regarding the need for National as well as International Integration and Co-operation through self employed experienced, knowledgeable and qualified persons in the area of motivation willing to promote social work.

3.3 To establish a research station for testing the air, water, noise, soil, nuclear radiation and food to help the activists in creating and establishing voluntary and non-government body for promotion of open non-formal education through spiritual discourses for the benefit of humankind.

3.4. To suggest national and international leads, alternatives and approaches to the solution for problems relating to health, environment, peace and justice etc.

3.5. To collaborate, officiate and federate with other government agencies and bodies for implementing the projects of development nature all over the world.

3.6. *To provide education that prepare students for social responsibility and communicate effectively and develop a global awareness and sensitivity for a better global understanding of world peace and unity.*

3.7. *To promote and research the cause of National Integration and unity of India and to fight against the forces of separatism in India."*

6. Contention of learned counsel for the petitioner is that the Central Government took a decision to conduct a common examination of the aspirants/candidates for the admission in MBBS Course in all the medical colleges of the country through National-Eligibility-cum-Entrance-Test (in short "NEET") in place of All India Pre-Medical Test for which the Central Government has also taken a decision to conduct the NEET Examination under the umbrella of National Testing Agency (in short "NTA") which is registered under the Societies Registration Act, 1860. The NTA was set up by the Ministry of Education by a cabinet decision dated 10.11.2017.

7. It is also stated that on behalf of the petitioner that since 2017 the aforesaid examination was conducted by the authorities concerned without any interference of the outsider in setting the NEET question papers.

8. Submission of learned counsel for the petitioner giving rise to the present petition is that certain questions in the question paper were included in the aforesaid examination are from outside the syllabus. He submitted that questions can never be out of syllabus and the paper-setters must not be ignorant of the same.

9. It is further submitted by the learned counsel for the petitioner that the questions which were asked in the aforesaid examination were taught by some coaching institutes and the aspirants belonging to that coaching institutes would only be benefited.

10. Learned counsel for the petitioner has quoted certain questions in the writ petition with the allegations that the said questions are erroneously framed and solved problems by 'ALLEN' coaching institute and posted by it on internet on 21.07.2023 and again incidentally 'ALLEN' and 'AKASH' coaching institutes in their key solutions have exactly followed the same errors. It has been very categorically submitted that the paper-setters of the NEET Examination 2025 have taken the said questions from the materials posted by the coaching institutes on the internet without applying their minds.

11. Shri Indrajeet Shukla, learned Additional Chief Standing Counsel appearing for the the respondent no.3, at the very outset, has raised the preliminary objection regarding maintainability of the present Public Interest Litigation, mainly on following grounds :-

(i) Present Public Interest Litigation has been filed by a Trust through its chairman without any resolution or authority in favour of the chairman to file the same.

(ii) The credentials and other details have not been explained as required under Sub-Rule (3-A) of Rule 1 of Chapter XXII of Allahabad High Court Rules, 1952 which has been amended in the light of the judgment passed by Hon'ble Supreme Court in the case of **State of Uttaranchal**

Vs. Balwant Singh Chauhal, reported in **(2010) 3 SCC 402; (2010) AIR SCW 1029.**

12. Contention of learned Additional Chief Standing Counsel is that the present writ petition is neither entertainable nor maintainable for want of compliance of Sub-Rule (3-A) of Rule 1 of Chapter XXII of Allahabad High Court Rules, 1952.

13. He further contends that the present writ petition is a proxy petition filed with material concealment of facts and as such, the same is liable to be dismissed on the aforesaid grounds.

14. Shri Syed Mohammad Haider Rizvi, learned counsel for the Director General of Medical Education and Training, Uttar Pradesh, Lucknow (opposite party no.4) also opposed the present □Public Interest Litigation on the ground that the petitioner has not disclosed the basis of challenging the question as quoted in the writ petition and nor has made any categorical statement that it has ever done any research work on the subject matter involved in the □Public Interest Litigation before filing the same.

15. He further raised objection regarding locus standi of the petitioner to raise the dispute involved in the present petition by way of □Public Interest Litigation.

16. Heard learned counsels appearing for the parties and perused the records.

17. Before entering into the merits of the case, the preliminary objection regarding the maintainability of the writ

petition as raised by learned counsel appearing for the respondents is to be dealt with first.

18. On the question of maintainability of the present petition for want of non-disclosure of the credentials as required under Sub-Rule (3-A), Rule 1 of Chapter XXII of the Allahabad High Court Rules, it would be pertinent to note that the aforesaid Rule has been framed in exercise of the Rule making power of the High Court, which is of quasi-legislative nature and has been incorporated as an amendment to Rule 1 of XXII with effect from 01.05.2010 and the validity of the same has been tested and upheld by the Division Bench of this Court in the case of **Pankaj Srivastava Versus High Court of Judicature at Allahabad**, reported in **(2014) 3 UPLBEC 1832.**

19. For ready reference, the said Rule is reproduced as under:

"(3-A) In addition to satisfying the requirements of the other rules in this chapter, the Petitioner seeking to file a Public Interest Litigation, should precisely and specifically state, in the affidavit to be sworn by him giving his credentials, the public cause he is seeking to spouse; that he has no personal or private interest in the matter; that there is no authoritative pronouncement by the Supreme Court or High Court on the question raised; and that the result of the litigation will not lead to any undue gain to himself or anyone associated with him, or any undue loss to any person, body of persons or the State."

20. The aforesaid Rule requires a person espousing a public cause, to file an affidavit narrating his credentials in precise

and specific manner and also the public cause which is sought to be espoused.

21. The word 'credential' has a specific connotation and meaning. It has been defined in Black's Law Dictionary, 8th Edition as "*1. A document or other evidence that proves one's authority or expertise. 2. A testimonial that a person is entitled to credit or to the right to exercise official power. 3. The letter of credence given to an ambassador or other representative of a foreign country. 4. Parliamentary law. Evidence of a delegate's entitlement to be seated and vote in a convention or other deliberative assembly.*"

22. Moreover, the Oxford English-English-Hindi Dictionary, 2nd Edition, explains credentials as the quality which makes a person perfect for the job or a document that is a proof that he has the training and education necessary to prove that he is a person qualified for doing the particular job.

23. The requirement of disclosure of credentials from the petitioner is indeed necessary to bring on record the complete background of the person who is coming before the Court. This information helps to establish the petitioner's credibility, locus standi, and his genuineness. Providing credentials also demonstrates that the petitioner has the necessary expertise, knowledge and understanding of the gravity and seriousness involved in the matter. The said information should not be vague and indefinite. The word 'credentials' connotes the qualities and the experience of a person that make him suitable for doing a particular job.

24. The Hon'ble Supreme Court in the case of **Ashok Kumar Pandey versus**

State of West Bengal & Others, reported in **AIR 2004 SC 280**, has been pleased to lay down the parameters to be considered while entertaining a Public Interest Litigation, the extract of relevant para 14 is reproduced below:

"14. The Court has to be satisfied about (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. Court has to strike balance between two conflicting interests; (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others: and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motive, justifiable executive actions. In such case, however, the Court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the, Executive and the Legislature?"

25. At this stage, it is worth mentioning that the Hon'ble Apex Court in the case of **Balwant Singh Chaufal & Ors. (Supra)** has dealt with the issues of abuse of public interest litigation and the remedial measures by which its misuse can be prevented or curbed. The relevant portion of the said judgement is reproduced below:

"161. Unfortunately, of late, it has been noticed that such an important jurisdiction which has been carefully carved out, created and nurtured with great care and caution by the courts, is being blatantly abused by filing some petitions

with oblique motives. We think time has come when genuine and bona fide public interest litigation must be encouraged whereas frivolous public interest litigation should be discouraged.

162. In our considered opinion, we have to protect and preserve this important jurisdiction in the larger interest of the people of this country but we must take effective steps to prevent and cure its abuse on the basis of monetary and non-monetary directions by the courts."

26. It would not be out of place to note that the Hon'ble Apex Court in the case of **Bandhua Mukti Morcha v. Union of India & Ors.**, reported in **1984 (3) SCC 161**, entertained a petition of even an unregistered association espousing the cause of over-downtrodden or its members observing that cause of "little Indians" can be established/espoused by any person having no interest in the matter. In the said public interest litigation where certain workmen were living in bondage and inhuman conditions this cause was brought to the notice of the Court. The Apex Court noticed that it was not expected by the Government that it should raise preliminary objection that no fundamental rights of the petitioner or the workmen on whose behalf the petition has been filed, have been infringed.

27. It is in the aforesaid backdrop that it would be seen that the concept of "person aggrieved", was diluted in context of public interest litigation which primarily have been divided in three phases. The Apex Court in the case of **Balwant Singh Chauhal**

(Supra) in Para-43 of the said report have noticed the three phases of public interest litigation which is being reproduced hereinafter:-

"43. In this judgment, we would like to deal with the origin and development of public interest litigation. We deem it appropriate to broadly divide the public interest litigation in three phases:

- Phase I.--It deals with cases of this Court where directions and orders were passed primarily to protect fundamental rights under Article 21 of the marginalised groups and sections of the society who because of extreme poverty, illiteracy and ignorance cannot approach this Court or the High Courts.

- Phase II.--It deals with the cases relating to protection, preservation of ecology, environment, forests, marine life, wildlife, mountains, rivers, historical monuments, etc. etc.

- Phase III.--It deals with the directions issued by the Courts in maintaining the probity, transparency and integrity in governance."

28. Thus, this Court has no hesitation to note that the petitioner has not disclosed credentials in the manner as required under the relevant Rules. Even otherwise, there is nothing on record to indicate that the petitioner has preferred the instant petition espousing the cause of any member of a disadvantageous section of the society or any person, who is downtrodden or for certain disabled person, who is unable to approach the Court or that the matter in question relates to infringement or denial of any

basic human right to such marginalized section of the society which enables the petitioner to espouse their cause.

29. Dealing with the objection raised by the learned counsel for the opposite party no. 4 on the question of locus standi, this Court is of the view that the common rule of locus standi is that the person who suffers a legal injury or whose legal right is infringed, alone has locus standi to invoke the writ jurisdiction to avoid miscarriage of justice. The said rule has been relaxed by the Hon'ble Supreme Court in catena of judgments in the cases where the grievance is raised before the Court on behalf of poor, deprived, illiterate or the disabled persons, who cannot approach the Court independently for redressal of the legal wrong or the injury caused to them on account of violation of any constitutional or legal right. On due consideration of the factual matrix of the instant case this Court is of the definite opinion that the present Public Interest Litigation/petition does not fall within exceptions mentioned herein-above.

30. In the case of **Balwant Singh Chauhan** (Supra), the Hon'ble Supreme Court has observed that to save the misuse of the process of the Court in the name of Public Interest Litigation, the Hon'ble Supreme Court has consistently pressed for the proper disclosure of the credential of the petitioner. Furthermore, under the Allahabad High Court Rules, 1952, the words '*should precisely and specifically state*' as has been envisaged, itself indicates the importance and necessity of the disclosure of the credentials by the petitioner. The same cannot be

ignored/overlooked by the Courts before entertaining a petition as Public Interest Litigation.

31. Upon due consideration of the facts in the light of the law laid down by Hon'ble Supreme Court, as discussed herein-above, this Court is of the view that since credentials, as required under Sub-Rule (3-A), Rule 1 of Chapter XXII of the Allahabad High Court Rules, 1952, have not been disclosed as required nor it has been filed on behalf of the marginalized section of the society, poor, deprived, illiterate or the disabled persons, who cannot approach the Court independently for redressal of the legal wrong or the injury caused to them.

32. In addition to above, no document is on record to show that the person claiming himself to be the Chairman of the Trust is authorized to file the present writ petition on behalf of the Trust. The law on the subject is well settled that in absence of any resolution or the proof of authorization the petition is not entertainable.

33. In the light of the discussion as made herein-above, the present Public Interest Litigation is not liable to be entertained. Accordingly, it is *dismissed*. No order as to costs.

34. Before parting, it would be appropriate to make it clear that this Court has declined to entertain the present Public Interest Litigation for the reasons narrated herein-above. We clarify that we have not expressed any opinion on the merits of the case.
