

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**W.P.(C) 13679 of 2009**

DR. RAMESH NIRMAL ..... Petitioner  
Through: Mr. Vikram Mehta with  
Mr. Kush Chaturvedi, Advocate.

Versus

UNION OF INDIA AND ORS. .... Respondents  
Through: Mr. Sameer Agrawal, Advocate  
for R-1/UOI.  
Mr. Vishal Bhatnagar, Advocate for R-2.

**CORAM: JUSTICE S. MURALIDHAR**

1. Whether reporters of the local news papers  
be allowed to see the order? No
2. To be referred to the Reporter or not? Yes
3. Whether the order should be reported in the Digest? Yes

**ORDER**  
**03.02.2011**

1. The facts of the case have been set out in an order dated 22<sup>nd</sup> July 2010 passed by this Court which reads as under:

“1. This writ petition seeks a direction to the Rastriya Sanskrit Sansthan (Respondent No. 2) to honour a sanction order dated 4/5<sup>th</sup> July 2005 whereby financial assistance was granted to the Petitioner for publication of

2000 copies of his book 'Kaalijayee Ujjayinee' which is a cultural history of the city of Ujjain. The grant amount was Rs. 39,92,000/-.

2. The Petitioner has averred, on affidavit, that the process emanated with a letter dated 14<sup>th</sup> August 2004 written by one Dr. Mahaveer Adhikari, a senior journalist and a litterateur to the Union Minister for Human Resources Development (HRD) recommending the grant of financial assistance in respect of 5,000 copies of the Petitioner's book. This was followed by a letter written by the Prime Minister to the Union Minister for HRD on 18<sup>th</sup> August 2004 recommending the grant of financial assistance to the Petitioner for the above work. A copy of the said letter has been annexed with the petition at page 35 (Annexure P-II). According to the Petitioner, there was a hand written note dated 18<sup>th</sup> August 2004 by one Shri Arun Kochar, an Officer on Special Duty (OSD) to the Union Minister for HRD on the above letter of the Prime Minister.

3. Annexure P-III to the petition is a letter dated 19<sup>th</sup> August 2004 under Diary No. 3731/D/C(1)/2004 addressed by the OSD Shri Arun Kochar on his letterhead to Shri V.

Kutumb Shastri, Vice Chancellor of Respondent No. 2, stating that a letter has been received from Dr. Mahaveer Adhikari for grant of financial assistance for publication of 5000 sets of the Petitioner's book. He further stated that "in this regard the Hon'ble Minister has given the necessary directions for sanctioning the grant of financial assistance for the publication of 1000 sets through Maharshi Sandipani Rashtriya Vedvidya Pratisthan, Ujjain and 2000 sets through Rastriya Sanskrit Sansthan, New Delhi." The letter is signed on 18<sup>th</sup> August 2004 although the date on top is 19<sup>th</sup> August 2004.

4. As part of Annexure P-III there is another letter dated 19<sup>th</sup> August 2004 under diary No. 3731/D/C/2004 written again by Shri Kochar on his letter head to Professor Omprakash Pandey, the Secretary of the Maharshi Sandipni Rashtriya Vedvidya Prastisthan, Ujjain again *inter alia* stating as under :-

"In this regard the Hon'ble Minister has given the necessary directions for sanctioning the grant of financial assistance for the publication of 1000 sets through Maharshi Sandipani Rashtriya Vedvidya Prastisthan, Ujjain and 2000 sets through Rashtriya

Sanskrit Sansthan, New Delhi.”

Again this letter has been signed on 18<sup>th</sup> August 2004 although the date on top is 19<sup>th</sup> August 2004.

5. There is a handwritten note on both the above letters stating “please keep with direction” signed by Shri Kochar on 18<sup>th</sup> August 2004 itself. Counsel for the Petitioner states that this refers to a letter dated 23<sup>rd</sup> January 1987 under F. No. 10-7/89-Skt. It stated to have been emanated from the Department of Education, HRD Ministry, Government of India addressed to M/s. Nag Publishers of Delhi regarding financial assistance for the publication of “Sanskrit-Hindi Kosh by Apte”. A copy of the aforementioned letter is also part of Annexure P-III.

6. According to the Petitioner, the said letter dated 23<sup>rd</sup> January 1987 constituted a precedent under which a grant was made by the Ministry of HRD for publishing more than 1000 sets of the book ‘Sanskrit Hindi Kosh’ by Apte. The said grant was bifurcated between the Respondent No. 2 and the institution at Ujjain. It is sought to be contended by the Petitioner that on the basis of the said precedent, in the Petitioner’s case also a recommendation was made that the

grant be split into two parts whereby 2000 copies would be published through Respondent No. 2 and 1000 copies through the Maharshi Sandipani Rashtriya Vedvidya Pratisthan, Ujjain. The Petitioner has also annexed a copy of letter dated 21<sup>st</sup> December 1987 again in file No. 10-7/86-Skt.II in connection with the same grant in respect of the 'Sanskrit Hindi Kosh' by V.S. Apte. The Petitioner has enclosed the copy of a letter dated 23<sup>rd</sup> August (Diary No. 671-C/MHRD/2004) written by the Union HRD Minister to Mr. Adhikari confirming that he had directed the two institutions to sanction the grants to the Petitioner.

7. The grant in favour of the Petitioner was formally made on 5<sup>th</sup> July 2005 by Respondent No. 2. This was followed by another communication to him on 28<sup>th</sup> July 2005. The Petitioner did not receive the grant in respect of the 2000 copies of his book from Respondent No. 2 which led to Dr. Adhikari and the Petitioner making inquiries with Respondent No. 2. A letter dated 15<sup>th</sup> December 2005 was sent to Dr. Adhikari by Respondent No. 2 explaining that since the publication had already received a grant from the institution at Ujjain, no further grant could be given.

8. On 5<sup>th</sup> November 2007 the Union Minister for HRD wrote a lengthy note in Hindi under Diary No. 7625/R/HRM/MHRD/2007 to the Joint Secretary (Languages) of the Education Department referring to his earlier letters and directing that the grant to the Petitioner in respect of the 2000 sets published through Respondent No. 2 should be released. According to the Petitioner this was followed by a letter dated 27<sup>th</sup> July 2008 addressed by the Union Minister for HRD under Diary No. 4244/R/HRM/MHRD/2008 again addressed to Joint Secretary (Languages), Education Department. A third letter dated 26<sup>th</sup> December 2008 was written by the Union Minister for HRD under diary No. 5225/R/HRM/MHRD/2008, again referring to earlier letters and directing the Joint Secretary (Languages) to release payment of the Petitioner's pending bill for the grant. The Petitioner has also enclosed another copy of letter dated 8<sup>th</sup> March 2009 addressed by the Prime Minister to the Union Minister for HRD forwarding the Petitioner's request for release of payment of the grant which had been withheld.

9. Learned counsel for the Petitioner has during the course of arguments produced a photocopies of the original letter dated 18<sup>th</sup> August 2004 of the Prime Minister, the letter

dated 19<sup>th</sup> August, 2004 written by Shri Arun Kochar to Shri V. Kutumb Shastri, the letter of the same date written by Shri Kochar to Prof. Omprakash Pandey, the letters dated 28<sup>th</sup> June 1987 and 21<sup>st</sup> December 1987 pertaining to the grant for publication of 'Sanskrit Hindi Kosh' by Apte, the photocopy of the letter dated 23<sup>rd</sup> August 2004 from the Union HRD Minister to Shri Adhikari, the photocopies of the original notes in Hindi by the Union HRD Minister dated 5<sup>th</sup> November 2007, 27<sup>th</sup> July 2008 and 26<sup>th</sup> December 2008 addressed to the Joint Secretary (Languages) in the Education Department and the letter dated 8<sup>th</sup> March 2009 from the Prime Minister to the Union Minister for HRD.

10. On 28<sup>th</sup> April 2010, this Court had required the complete record of the HRD Ministry to be produced before the Court. It was directed that "in particular, the records which contain the originals of the letters, copies of which are enclosed with this petition at Annexure P-3 collectively should be produced." The above direction became necessary because in the counter affidavit filed on behalf of Respondent No. 1, which is supported by the affidavit of Shri V.K. Aggarwal, Under Secretary, although it was stated that the reply was based on the records of the Respondent No. 1, there was no

parawise reply to the writ petition and, therefore, no traverse of the various paragraphs, and in particular para No. 4 of the writ petition, where the above documents were described and enclosed by the Petitioner.

11. On a perusal of the record produced by the Respondent No. 1 before this Court, and upon learned counsel for Respondent No. perusing it with the assistance of Mr. Mange Ram and Ms. Alka, Section Officers, Ministry of HRD, it was found that barring the photocopy of the note in Hindi dated 5<sup>th</sup> November 2007 of the Union HRD Minister, none of the documents referred to in para 9 above form part of the record. The first document which is on record is a letter dated 10<sup>th</sup> September, 2004 written by Dr. Adhikari to the Ministry of HRD. Then there is a forwarding note of the Union Minister addressed to the Vice Chancellor of the institution at Ujjain on 16<sup>th</sup> September 2004. The first noting on the notings part of the file is by Shri Prem Narain Saxena, Under Secretary (Sanskrit) on 7<sup>th</sup> October, 2004. Interestingly Respondent No. 2 does not deny receipt of the letter dated 18<sup>th</sup> August 2004 of Shri Kochar. It however denies the letter dated 23<sup>rd</sup> January 1987 pertaining to the grant in respect of the Sanskrit-Hindi Kosh by Apte. It appears now pursuant to a vigilance

inquiry, disciplinary action has been recommended against Dr. Prakash Pandey, Assistant Director (R&P), who issued the sanction letter dated 5<sup>th</sup> July 2005, copy of which is at page No. 61 of the writ petition and Mr. Satish Kumar, Joint Director (Project) of the National Book Trust.

12. It is a matter of concern that documents with diary nos. supposed to have emanated from the offices of the Prime Minister and Union HRD Minister concerning the subject matter, which have been relied upon by the Petitioner and copies of which are enclosed with the petition, do not form part of the record of the Ministry of HRD.

13. In response to a query as to why parawise reply to the writ petition was not given, learned counsel for Respondent No. 1 states that there was a vigilance inquiry ordered into the matter and, therefore, the record was not available at the time when the reply was prepared. This Court fails to appreciate how a senior officer of Respondent No. 1 could file an affidavit in support of the reply stating that it is based on the records of the Ministry of HRD, when plainly such record was not available at that time.

14. This is a matter in which a further explanation is required from the Ministry of

HRD. This Court would like to have a comprehensive investigation undertaken by the Ministry of HRD in this matter. This Court directs that an affidavit be filed by a senior officer, not less than the rank of Additional Secretary of HRD Ministry within four weeks giving para wise response to the writ petition and explaining how the above documents described in para 9 are not part of the record.

15. Learned counsel for the Petitioner states that he will provide a complete set of the photocopies of the originals of the letters in question to the counsel for the Respondent No. 1. The photocopies of the documents produced by the counsel for the Petitioner today in Court will be kept in a sealed cover by the Registry.

16. List on 1<sup>th</sup> September, 2010. The original record will be produced by the Ministry of HRD on the next date of hearing.

17. Order dasti.”

2. Pursuant to the above order, a detailed affidavit has been filed on 7<sup>th</sup> September 2010 by Mr. Ashok Thakur, Additional Secretary, Department of Higher Education, Ministry of Human Resource

Development (HRD). The facts that emerge from the said affidavit are as under:

A. The Prime Minister's Office (PMO) has denied that the letter dated 18<sup>th</sup> August 2004 (annexed as Annexure P2 to the writ petition) and the letter dated 8<sup>th</sup> March 2009 (annexed as Annexure P26 to the writ petition) were issued from that office. The letter dated 27<sup>th</sup> August 2010 from the PMO states that a detailed verification and search was conducted in that office and that "there is no record of any such letters having been issued by this office."

B. Inasmuch as the Petitioner has copies of the above letters allegedly addressed by the Prime Minister to the Union Minister for HRD, and the letters were not marked to the Petitioner in the official course of business, it indicates that the Petitioner "has tried to deceive the Government by forging letters and manipulating facts thereby misleading even the Hon'ble High Court for his ulterior motive".

C. A detailed noting was made on the file by the Director (Languages) on 14<sup>th</sup> March 2006 in response to the letter received by the HRD Ministry from Dr. Mahaveer Adhikari about the non-release of funds to the Petitioner. The said note stated:

"4. Maharshi Sandipani Rashtriya Veda Vidya Prathisthan (MSRVVP), Ujjain (HRM Note dated 21.5.2005) as well as Rashtriya Sanskrit Sansthan (RSkS) (HRM Note dated 12.6.2005) were asked to explore the possibility of providing financial assistance for the publication of the main book as well as the auxiliary books.

5. It is seen from the files of these organizations that simultaneous process started at both the places for publication of the book(s). The interesting fact is that the writer, Shri Ramesh Nirmal has projected different amounts for publishing 2000 copies of the books to the 2 institutions. While the original proposal sent to MSRVVP in September 2004 is for Rs.35 lakhs in the proforma submitted to RSkS in May 2005, the amount has been jacked up to Rs.45 lakhs. He has also not revealed the fact that he had already applied for and was in the process of receiving funds from MSRVVP for the publication of the same book.

6. Both organizations got the book evaluated by NBT. Surprisingly, NBT has given two different figures – Rs.31,42,999/- for MSRVVP in May '05 and Rs.49,90,000/- to RSkS in July '05 – a difference of whopping 18 lakhs. Based on the evaluation done in May 2005 by NBT, an amount of Rs.31,42,199/- was released by the MSRVVP, Ujjain in August 2005 for publication of 2000 copies of the 3 volumes of the main book as well as eleven auxiliary books, with the approval of HRM. 100 sets (14 x 100 = 1400 copies) of both the main book and the auxiliary books have been provided to MSRVVP, Ujjain.

7. In RSkS, the GIAC Meeting decided in June '05, to fund 80% of the cost of publication of the book, coming to Rs.39,92,000/-. However, GIAC recommended that Ministry's approval be taken. But the AD (Publications) issued the sanction order in July '05 without obtaining the Ministry's approval as desired by GIAC. The sanction order signed by one Dr. Prakash Pandey also has over writing and insertions.

8. When the Ministry came to know, RSkS was asked to explain. This resulted in

the release of the amount being stopped – although the sanction was issued in July '05, no money was actually released by RSkS. The matter was also brought to the notice of HRM vide noting at p-12/ante.

9. Since then, Shri Mahaveer Adhikari and Sri Ramesh Nirmal have been repeatedly writing that RSkS, New Delhi, may also be asked to release the promised grant for publication of the 3 volumes of the book as well as eleven auxiliary books. He is taking recourse to the fact that HRM had written to both MSRVVP and RSkS to consider supporting the project.

10. It is clear in HRM's note of 12.6.05 (p-c/29) that the funds are for publication of 2000 copies of the main books and auxiliary books, which, by 3.6.2005, had already been sanctioned by MSRVVP. In fact, HRM's letter to Sri Mahavir Adhikari, written in August 2005 (p-35/cor) clearly states that the support will be shared by the two organizations-there was never any intention of multiplying the funds. (In any case, even if RSkS had to provide funds, it would have amounted to a reprint of the books, the cost of which would then be halved and definitely not more than the cost of the original print.)

11. The crux of the matter is the number of copies finally printed. US (Skt) and Dy. Director RSkS who visited the printing press based in NOIDA, on 28.2.2006, have found that only 2000 copies were printed and the printer has no orders for a reprint. (p-47/cor).

12. From the facts available in the files of the Ministry, MSRVVP and RSkS, a table has been prepared, showing the chain of events, (placed below, flagged). It is very clear that the intention of the writer/ publisher from the beginning is not entirely above board. He has projected different amounts to different organizations and deliberately hidden facts.

As only 2000 copies appear to have been printed, for which funds have already been released by MSR VVP, his insistence on being paid again by RSkS, quoting an expenditure of Rs.40 lakhs (producing only a publishers bill) is only to defraud the Government of funds running into lakhs of rupees.

13. File is submitted for further orders please. It may perhaps be desirable to obtain legal opinion from the Min of Law/ASG on whether any legal action can be initiated in the matter.”

D. Thereafter the file went to the Joint Secretary (Languages) who, after discussing the matter with the Additional Secretary, recommended the following actions:

“i) Shri Ramesh Nirmal should be given a formal reply from the Language Division regarding the refusal by Rashtriya Sanskrit Sansthan [RSkS] to release the grant. Although a reply has been sent by RSkS, since the letter is addressed to HRM and Education Secretary, it would be appropriate to send a reply from the Ministry as well.

ii) Action should be initiated against the official in RSkS, Dr. Prakash Pandey, Assistant Director [Res & Pub] who issued the sanction order dated 28.7.2005 in favour of Shri Ramesh Nirmal of ‘Anvitee Prakashan’ for release of funds without obtaining the prior approval of the Ministry, in spite of a clear direction of the GIAC of the RSkS, to obtain prior approval of the Ministry.

iii) Action should be initiated against the official in NBT, Shri Satish Kumar [Jt. Director/Projection] who has evaluated the same book giving two different figures on each evaluation, one in May, 2005 and the other in July, 2005 – the difference in the two estimates being as high as Rs.18 lakhs. It is

Shri Satish Kumar who has signed both the letters, vetting the cost estimate for the 3 volumes and 11 auxiliary books.

iv) A reference be made to Ministry of Law to ascertain whether any *mensrea* of the author and publisher for committing of offence(s) under Section 420 [cheating], 120-A [Criminal Conspiracy] of the IPC and misrepresentation of facts etc. gets established in this case.”

E. The Union HRD Minister accepted the recommendations at (i) to (iii) above on 2<sup>nd</sup> May 2006 and the sanction letter issued by the Rashtriya Sanskrit Sansthan (‘RSkS’) was cancelled.

F. M/s. Nag Publishers have clarified to the HRD Ministry by their letter dated 13<sup>th</sup> August 2010 that the photocopies of the letters dated 23<sup>rd</sup> January 1987 and 21<sup>st</sup> December 1987 as produced by the Petitioner [at Annexure P3 (collectively) pages 39 to 42 of the paper book] are “fake documents of original letters”. They have provided the HRD Ministry with the copies of the originals of those letters, as received by them from the HRD Ministry. From this, it was clear that the copy of the letter dated 23<sup>rd</sup> January 1987 as produced by the Petitioner was a tampered version of its original. As regards the letter dated 21<sup>st</sup> December 1987 (copy annexed at Page 43 and 44 of the paper book), it appeared that this letter has also been tampered. It is stated that:

“The original letter mentions a limit of Rs.3,29,700/- and approved expenditure as Rs.60/- per copy, whereas the letter presented before the Hon’ble High Court shows the figure as Rs.13,29,700/- and Rs.160/- respectively. Number of copies to be supplied to the Educational Institution is

mentioned as 100 whereas in the original sanction letter it is 500. It is observed that the whole text of the original letters dated 23.1.1987 and 21.12.1987 has been rescripted/tampered with by the Petitioner to further his ulterior motives and the forged/tampered letters have been produced by the Petitioner in the Hon'ble High Court.”

G. The Petitioner had initially sought a grant of Rs.35 lakhs for the publication of his books. After evaluating the costs in the National Book Trust ('NBT'), an amount of Rs.31,42,199/- was released to him through Maharshi Sandipani Rashtriya Ved Vidya Pratishthan ('MSRVVP'), Ujjain for 2000 copies of three volumes of the main book and 11 auxiliary books. While examining the case, it was noticed by the HRD Ministry that the sanction letter dated 28<sup>th</sup> July 2005 of the RSkS stated the cost of production to be Rs.49,90,000/-(out of which Rs.39,92,000/- was to be released towards the total cost of printing of the book). The said letter which was issued by Shri Prakash Pandey, the then Assistant Director (R & P), RSkS contained overwriting in the number of copies to be printed and price per set of books. NBT later clarified by a letter dated 13<sup>th</sup> May 2006 that the letter dated 10<sup>th</sup> July 2005 stating the cost of production as Rs.49,90,000/- had not been issued by the NBT.

H. The report dated 3<sup>rd</sup> November 2009 of a fact-finding inquiry conducted by the HRD Ministry found that an estimate of Rs.31,42,199/- for publication of the Petitioner's book was sent on 20<sup>th</sup> May 2005 by the NBT to MSRVVP.

“However, a second letter was sent on 24/5/2005, conveying the same estimate to the Office of the Respondent-2 which has been

tampered with and there are overwriting and instead of Rs.31,42,199/- an amount of Rs.49.9 lakh is substituted. The letter requesting for the estimate was forwarded through the Petitioner in an open envelope and the said letter contained over writing. On the findings of the Fact Finding Inquiry Disciplinary Proceedings have been initiated against Shri Prakash Pandey, by Rashtriya Sanskrit Sansthan.”

I. As regards the letter dated 10<sup>th</sup> January 2006 for release of the grant of 2000 copies, it is submitted that:

“An inspection was conducted by the officers of the Ministry and RSkS for verification of the number of copies printed by the Publisher. An inspection conducted by the then Under Secretary (Skt.) and the then Deputy Director, RSkS with the publisher, on 28.2.2006, it was established that only 2000 copies each of the main as well as the Auxiliary books were only printed and they have not received any order for reprint. This clearly indicates that for the 2000 copies printed, the Petitioner has received the grant from MSRVP for the purpose.”

J. The Petitioner was conveyed the rejection of his request by the HRD Ministry by letters dated 15<sup>th</sup> December 2005 and 7<sup>th</sup> February 2006. A reply was also sent to the legal notice dated 18<sup>th</sup> May 2006. The writ petition was filed in December 2009 after a delay of more than three years. It is further stated that the Petitioner’s claim of having sent 1400 sets of books to the RSkS is false and misleading. It is stated that only 100 sets of 14 books, i.e., 1400 copies had been provided.

K. The note at Annexure P22 to the writ petition, purporting to

be a note dated 5<sup>th</sup> November 2007 penned by the Union HRD Minister could not be certified by the office of the then Minister for want of records. Although the subsequent note dated 27<sup>th</sup> July 2008 of the Minister is acknowledged, it is stated that the Minister was apprised of the rule position and was told of the Ministry's inability to provide funds from two organizations for the same purpose.

3. Counsel for the HRD Ministry today referred to certain notings on the file which indicate that the present Minister of HRD was contemplating referring the case to Central Bureau of Investigation ('CBI') for the further investigations. He stated that the decision was deferred due to the pendency of the present petition.

4. A rejoinder affidavit has been filed by the Petitioner on 15<sup>th</sup> January 2011. The Petitioner vehemently denies having filed false and fabricated documents. The explanation now offered by the Petitioner is that the letter dated 18<sup>th</sup> August 2004 of the Prime Minister, the letter dated 18<sup>th</sup> August 2004 of the Union HRD Minister and the letter dated 23<sup>rd</sup> January 1987 "were received along with letter dated 23<sup>rd</sup> August 2004 (Annexure P4 to the writ petition) written by the then Minister for HRD to Dr. Mahaveer Adhikari who was espousing the cause of the Petitioner." It is now claimed that the Petitioner is in possession of the original of the letter dated 23<sup>rd</sup> August 2004. It is further stated that a photocopy of the Prime

Minister's letter dated 8<sup>th</sup> March 2009 along with a photocopy of the letter dated 9<sup>th</sup> March 2009 written by the then HRD Minister to the then Minister of State in the PMO "was handed over to the Petitioner by the Additional Private Secretary to the then HRD Minister Mr. B. D. Bhatt at the residence of the said Minister, i.e., 17, Akbar Road, New Delhi between 10 and 12 in the morning of 12<sup>th</sup> March 2009." Annexed to this rejoinder affidavit as Annexure P-33 is the copy of the said letter dated 9<sup>th</sup> March 2009 written by the then HRD Minister to the Minister of State in the PMO making a reference to the letters dated 18<sup>th</sup> August 2004 and 8<sup>th</sup> March 2009 of the Prime Minister. The Petitioner now claims that the note-sheets of the HRD Minister dated 5<sup>th</sup> November 2007, 27<sup>th</sup> July 2008 and 26<sup>th</sup> December 2008 were received by the Petitioner by fax from the residence of the then HRD Minister. The Petitioner maintains that what he said in his petition is correct; that a total 3000 books were published, that the Petitioner had to take a loan of Rs.35 lakhs from State Bank of Indore and he has already paid Rs.17,26,127/- as interest and further sum of Rs.39,75,096/- is outstanding.

5. On a careful consideration of the documents on record, the pleadings and the submissions of counsel, this Court is of the view that the Petitioner has hopelessly failed to make out any case for grant of any of the reliefs prayed for in this petition. There was

sufficient material on record for the HRD Ministry to decide to withdraw the sanction granted earlier to the Petitioner on 5<sup>th</sup> July 2005 by the RSkS. The orders passed by this Court as well as the narration of the pleadings hereinbefore show that the Petitioner was not really entitled to receive grant for the same book from the two sources. This was contrary to the policy and practice of the HRD Ministry. The two letters dated 23<sup>rd</sup> January 1987 and 21<sup>st</sup> December 1987 that were relied upon to establish a precedent were found to be tampered documents. The careful consideration of the factors is evidenced by the detailed note dated 14<sup>th</sup> March 2006 of the Director (Languages) which was forwarded along with the note dated 21<sup>st</sup> March 2006 of the Joint Secretary (Languages). The action proposed at paras (i) to (iii) of the latter note was approved by the then HRD Minister and the sanction order was cancelled. This Court is satisfied that the impugned communications dated 15<sup>th</sup> May 2006 and 2<sup>nd</sup> February 2008 of the HRD Ministry cancelling the sanction order dated 4/5<sup>th</sup> July 2005 of the RSkS suffer from no legal infirmity.

6. However, the present petition raises a serious issue concerning the production of documents by the Petitioner which are shown not to exist on the official record. The letters dated 18<sup>th</sup> August 2004 and 8<sup>th</sup> March 2009 purportedly written by the Prime Minister to a

Cabinet colleague, viz., the Union HRD Minister have been verified by the PMO as not having been issued by the PMO. The Union HRD Minister's note dated 5<sup>th</sup> November 2007 could not be verified from the official record. The copies of the letters dated 23<sup>rd</sup> January 1987 and 21<sup>st</sup> December 1987 annexed by the Petitioner with the writ petition have been shown to be tampered versions of the originals. An inquiry ordered by the HRD Ministry during the pendency of these proceedings has shown the conduct of the Petitioner in pursuing his claim was not bonafide. The counter affidavit filed on 7<sup>th</sup> September 2010 by the Additional Secretary in the HRD Ministry categorically states that the above documents have been fabricated.

7. This Court is satisfied prima facie that offences under Sections 191, 192 and 196 IPC punishable under Section 193 IPC have been committed by the Petitioner in relation to these proceedings. In terms of Section 340(1) Cr PC read with Section 195 (1) (b) (i), this Court is of the opinion that it is expedient in the interests of justice that an inquiry should be made into the above offences for which a written complaint should be made to the appropriate Metropolitan Magistrate against the Petitioner. The Registrar General is hereby directed to draw up and make a complaint in the above terms and send it to the appropriate Metropolitan Magistrate within four weeks. The said complaint will be accompanied by a complete certified

copy of the entire file, and the sealed cover containing the documents placed therein pursuant to the order dated 22<sup>nd</sup> July 2010 of this Court. The above complaint and documents will be personally delivered by a Special Messenger to the Metropolitan Magistrate concerned and an appropriate acknowledgement obtained and kept in the records.

8. In the event that the case is referred to the CBI by HRD Ministry, the CBI will have liberty to apply to the Metropolitan Magistrate concerned to obtain certified copies of any of the documents forming part of the record, including those placed in the sealed cover. The CBI will also have access to the original documents for the purpose of their investigations.

9. The writ petition is dismissed with costs of Rs.20,000/- which shall be paid by the Petitioner to the HRD Ministry within a period of four weeks.

**S. MURALIDHAR, J**

**FEBRUARY 3, 2011**

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