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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL 62/2018

1:AVINASH BARO AND 3 ORS.

S/O- SRI PHUKAN CH BARO, PRESENTLY STUDYING AT IIT GUWAHATI
MECHANICAL DEPTT, NORTH GUWAHATI, AMINGAON, KAMRUP

2: BIKASH DAS

S/O- SRI JIBAN DAS, PRESENTLY STUDYING AT IIT GUWAHATI BIO
TECHNOLOGY DEPTT NORTH GUWAHATI AMINGAON KAMRUP

3: MONJIT DOLEY

S/O- SRI KRISHNA KANT DOLEY, PRESENTLY STUDYING AT IIT
GUWAHATI MECHANICAL DEPTT NORTH GUWAHATI AMINGAON
KAMRUP

4: DHANIRAM TAW

S/O- SRI BIKRAM TAW, PRESENTLY STUDYING AT IIT GUWAHATI
MECHANICAL DEPTT NORTH GUWAHATI AMINGAON KAMRUP

VERSUS

1:THE UNION OF INDIA 8 ORS REP. BY THE SECRETARY, MIN OF
INFORMATION AND BROADCASTING, A- WING, SHASTRI BHAWAN, DR.
RAJENDRA PRASAD ROAD, NEW DELHI- 110001

8:ANAND KUMAR

SHANTI KUTIR SHANTI PATH
CHANDPUR BELA JAKKANPUR PATNA- 800001

9:ABHAYANAND IPS

EX DGP BIHAR N H 98 BHSAULA DANAPUR
(NEAR ASHWINI PUBLIC SCHOOL) PATNA- 80150

Advocate for the Petitioner : Dr. A. Saraf, Senior Advocate.
Mr. A. Goyal, Advocate.

Advocate for the Respondent : Mr. S.C Keyal, Assistant Solicitor General of India for
respondent No.1

Mr. N. Dutta, Senior Advocate.
Mr. P. Mahanta, Advocate for the respondent No.8.

Mr. K.N. Choudhury, Senior Advocate
Mr. K. Kalita, Advocate for the respondent No.9.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA
HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
ORDER

Date : 28-11-2019
(Ajai Lamba, C.J.)

Shri Avinash Baro and 3(three) others have preferred this petition in public interest with the plea that the petitioners are first year students pursuing their studies in Indian Institute of Technology, Guwahati. Gist of the allegations/accusations in the petition are to the effect that after bollywood movie named "Super 30" was shown, which has been depicted as being inspired by the life of Anand Kumar and his students, a number of persons are being induced/lured into approaching the Super 30 Institute/Management. Although it has been projected that coaching of the highest standard would be provided free of costs, however, ₹ 33,000/- and odd rupees are charged. The inducement has been found to be false. A large number of persons from Northeast, under the circumstances, have been duped/cheated.

Shri Anand Kumar has been arrayed as respondent No.8. Shri Abhayanand, IPS, Ex-DGP, Bihar has been arrayed as respondent No.9.

2. Contention of the learned senior counsel for the petitioners is that through various measures of publications, mostly newspapers and internet sites, Anand Kumar has projected himself as an Indian Mathematician, educationist and a columnist for various national and international Journals and Magazines. It has been projected by Shri Anand Kumar that he started in Patna, Bihar in 2002 and gives coaching to economically backward students for entrance in IIT-JEE course. It has been projected that in the year 2018, 422 out of 480 students had made it to IITs. "Discovery channel" showcased his work in a documentary. Various internet sites have been reflected with the Wikipedia page to demonstrate the said facts narrated above.

It has been projected through the Wikipedia page that Anand Kuamr had been invited by prestigious Massachusetts Institute of Technology and Harvard University to speak

on his globally acclaimed effort to mentor students from the underprivileged sections for admission to IIT.

3. Learned senior counsel for the petitioners has highlighted that through the Wikipedia page, it has been projected by Shri Anand Kumar that in 1992, Kumar began teaching mathematics in a rented classroom and started his own institution Ramanujan School of Mathematics. Within the span of a year, his class grew from 2(two) students to 36(thirty-six) students and after 3(three) years, there were almost 500 students enrolled. In the year 2000, a poor student came to seek coaching for entrance in IIT-JEE who could not afford annual admission fee on account of poverty, which motivated respondent No.8/Shri Anand Kuamr to start "Super 30" Programme in 2002 for which he is well known by now. In regard to the said claims also reference has been made to various internet sites.

4. It has been projected through Wikipedia that every May, since 2002, Ramanujan School of Mathematics holds a competitive test to select 30(thirty) students for the "Super 30" Programme. Many students appear in the test and eventually 30(thirty) intelligent students from economically backward sections are selected. They are given coaching and study materials as also lodging for a year. The said students are prepared for Joint Entrance Examination for the Indian Institutes of Technology.

Mother of Shri Anand Kumar, namely, Smti. Jayanti Devi, cooks for the students and his brother Pranav Kumar takes care of the management.

For the said proclamation also cross-references to internet sites have been provided.

5. It has been projected through Wikipedia page that during 2003-17, 391 students out of 450 had made it to IITs. In 2010, all students of "Super 30" cleared IIT-JEE Entrance Examinations. It has been projected that Shri Anand Kuamr has no financial support for "Super 30" from any Government as well as private agencies and he manages from the tuition fee he earns from Ramanujan School of Mathematics. Although Shri Anand Kumar received many offers from Private, National and International Companies, however, he refused to join them so as to sustain "Super 30" through his own efforts.

6. We need not give any further details. Suffice it to say that on the Wikipedia page, cross-references to as many as 48(forty-eight) internet sites have been given to project and

demonstrate Anand Kumar as a Mathematician of the highest calibre and a tutor, who could impart education and training for entry to IIT-JEE. It includes, reference to the news items published in "Hindustan Times", "the Economic Times", "Careers 360", "Success Stories", etc.

We have taken note of the fact that originally a person who is aspiring to join competitive examinations would go through such sites, magazines and newspapers.

7. Other materials have also been placed on record to demonstrate the same fact. It has been projected that being influenced by the works of Shri Anand Kumar, the movie "Super 30" was made. It has been projected that "Super 30" is a movie that is non-fictional.

8. The petitioners have appended Annexure-9 collectively to demonstrate that in fact Shri Anand Kuamr owns a number of properties, value of which runs into crores. We have gone through the said documents also.

9. During the contention in Court, learned senior counsel for the petitioners have drawn particular attention of the Court towards various affidavits filed by various students, who on being influenced and induced by various publications, referred to above, approached "Super 30". Money was taken from them, however, they were duped. It has been projected that although they were induced on the premise that they would be joining "Super 30", however, they were made to join Ramanujan School of Mathematics. Money was given in Ramanujan School of Mathematics, however, receipts were issued in the name of some other entity.

We have gone through the contents of the affidavits.

10. So far as respondent No.9 is concerned, it has been pleaded that it appears that respondent No.9 is the person who induced filing of the present petition for malafide reason.

11. Respondent No.9 has also filed affidavit-in-opposition and has projected that he is a retired IPS Officer belonging to 1977 batch of Bihar Cadre. Respondent No.9 relished teaching his own children and being a reasonably good student of physics and mathematics, was topper amongst all graduates in all disciplines of Patna University and a gold medallist for topping Physics Department, qualifying UPSC in the first attempt. It has been projected by respondent No.9 that he having taught and mentored his own children got the idea of utilizing his experience for a group of economically weaker sections of the society with the aim of entering IIT-JEE. It later materialised into "Super 30".

It thus, transpires that for conceiving the idea of "Super 30", respondent No.9 is taking responsibility.

12. We have taken particular notice of the fact that respondent No.8, Shri Anand Kumar, in his affidavit-in-opposition has admitted that he is only B.A. (Hons.) in Mathematics from Patna University.

13. Considering the facts and circumstances of the case, in particular the publications, an attempt has been made to develop a case that respondent No.8 has induced students from various parts of the country in the name of "Super 30". The inducement was for imparting training for entrance to IIT-JEE course. It was projected that money would not be charged, however, money is charged and the said students are not allowed to join "Super 30", rather were sent to Ramanujan School of Mathematics.

A case has further been developed by the petitioners' side that a large number of students from all over the country, including the Northeast are induced that training of the highest order would be imparted by Shri Anand Kumar, however, Anand Kumar has not been teaching them. It has been averred that although Shri Anand Kumar claims to be a Mathematician of repute, however, he does not have the required qualification. It has been projected that the students being induced and lured on account of such projections go in the hope of being tutored by Shri Anand Kumar, however, the other teachers have been tutoring them. So much so there is no teacher for teaching Chemistry and, therefore, even the training imparted is substandard.

14. We have considered all the facts and circumstances of the case. It has not been disputed even by the learned senior counsel for the petitioners that all the incidents indicated in the petition and through various documents occurred within the jurisdiction of Patna High Court. The allurements might have been in all parts of the country, however, all the affected persons were driven to Patna to make payment in Patna and join classes in Patna. In such circumstances, we are of the considered view that any order passed by this Court would not be conveniently executed. The orders passed from time to time would not be practically carried out.

15. Faced with these circumstances, learned senior counsel for the petitioners contends that let the petition be dismissed as withdrawn with liberty to file before the Patna

High Court.

16. Dismissed as withdrawn with liberty to the petitioners to approach the Patna High Court.

17. We take judicial notice of the fact that the cost imposed in the sum of ₹ 50,000/- vide the order passed on 26.11.2019 has been paid.

JUDGE

CHIEF JUSTICE

Comparing Assistant