

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4650 of 2023

Applicant :- Dr. Ritu Garg

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Purnendu Chakravarty,Pranjal Jain

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard Shri I.B. Singh, learned Senior Counsel assisted by Shri Purnendu Chakravarty, learned counsel for the applicant, Shri Rao Narendra Singh, learned A.G.A. for the State.

Mr. Kinjal Singh, Director General Medical Education, U.P. as well as Mr. Sanjiv Dixit, Deputy Superintendent of Police, S.T.F./Investigating Officer of the case in question, who were present before this Court, also assisted the Court.

2. The present bail application has been filed by the applicant in F.I.R. No. 382 of 2022, under Sections 419, 420, 467, 468, 471, 120-B IPC and Section 66D IT Act, Police Station Hazratganj, District Lucknow with the prayer to enlarge her on bail.

3. Learned counsel for the applicant submitted that the applicant is a renowned lady doctor, who completed her M.B.B.S. and M.D. from the Institute of Medical Sciences, BHU, Varansi and is running Ritu Diagnostic Centre since last 23 years. The applicant is also providing free medical treatments to the needy persons in Santushti Ayurvedic Medical College and Hospital, Chunar, District Mirzapur. Submission of the learned counsel for the applicant is that the applicant has falsely been implicated in the present case and she is in jail since 28.02.2023.

4. Learned counsel for the applicant submitted that as per the prosecution case, the State Government issued a Government Order dated 10th December, 2021 for online counselling of NEET 2021 Examination in relation to Ayush Department (Ayurveda, Unani and Homoeopathy) colleges for the courses of BAMS/BUMS/BHMS for the academic Session 2021-22. The aforesaid Government Order, while providing the procedure for allotment of colleges to the students through online counselling, constituted a Board for the purpose.

The members of the said Board are as under:

- (1) Mr. Sukhlal Bharti, Special Secretary, Ayush Department, U.P. (Chairman of the Board)
- (2) Professor Satya Narayan Singh, Director, Ayurveda Services, U.P. (Member Secretary)
- (3) Mr. Laxman Singh, Joint Secretary, Department of Ayush, U.P. (Member nominated by Additional Chief Secretary, Department of Ayush, U.P.)
- (4) Dr. Bachhu Singh, Reader, Rajkiya Takmil Uttib College, Lucknow (Member)
- (5) Dr. S.S. Pal, Professor, Rajkiya National Homeopathy Medical College, Lucknow (Member)
- (6) Dr. Ashok Kumar Singh, Professor, Rajkiya National Homeopathic Medical College, Lucknow (Member)
- (7) Mr. Mohd. Mazahir Alam, Professor, Rajkiya Takmil Uttib College, Lucknow (Member)

Apart from the aforesaid members, one member each was to be nominated by Director, Ayurveda, Unani and Homeopathy and one member was to be nominated from the private Ayurveda, Unani and Homeopathy College from the category of minority.

5. It has further been submitted that the Ayush Department decided to conduct the said online counselling through private vendor, which is acquainted with the online counselling and M/s. Uptron Powertronics Ltd. (hereinafter referred to as Uptron Company), which is a State undertaking company requested the State Government for providing the work of online counselling for the NEET 2021 examination. Thereafter, on 7th December, 2021, a letter No. 4683/96-A-1-2021-166/2021, Ayush Anubhag-I was issued by Mr. Shailendra Kumar, Joint Secretary addressed to Director Ayush Services, U.P., Lucknow, informing that Uptron Company has been nominated for online counselling of NEET 2021 examination for the academic year 2021-22 for undergraduate and postgraduate courses. However, as per prosecution case, the Uptron Company engaged another firm, i.e., V-3 Soft Solution Pvt. Ltd., No. 27, Second Floor, New Berry Road, Lucknow, U.P. as vendor vide its letter dated 15th January, 2022. Thereafter, final order was issued to the vendor firm, M/s. V-3 Soft Solution by the Uptron Company for performing the online counselling of the aforesaid courses, but the said Company entered into

agreement with another company, i.e., M/s. Techno Ocean IT Solution Pvt. Ltd. on payment of share of 97%.

6. It is further alleged in the F.I.R. that the result of NEET 2020-21 was asked by the Director, Ayurveda, Unani and Homeopathy, U.P. from the Director General Medical Education, U.P. (hereafter referred to as 'DGME'), which was handed over in the hard disc to Dr. Umakant (Officer-in-charge, Education), who was the representative of Director, Ayush Department. As per prosecution case, Mr. Kuldeep Singh Verma, who was the agent of the vendor Company, copied the data from the hard disc for facilitating online counselling services. Thereafter, the counselling was conducted. However, on some complaint, the matter was inquired, in which, it was found that in place of online counselling, the counselling was done offline and the names of 22 such candidates, who never appeared in the NEET examination, were entered in the list of selected students. It was also found that the identity of 1181 students were changed and the colleges were allotted to 891 ineligible students, who also got admission for the aforesaid courses.

7. Submission of the learned Senior Counsel appearing for the applicant is that there is no evidence against the applicant that she interpolated the result of NEET 2021, which was provided by the DGME. He further submitted that the allegation against the applicant is that only with the intention to fulfil all the seats in her college, she adopted tactics by digital advertisement and also engaging brokers for the admission of students in her college. Learned counsel for the applicant vehemently submitted that as per the prosecution case, ineligible students got admission in the college of the applicant through counselling, but not even a single student has lodged any complaint against the applicant to any authority, neither any such evidence is available in the case diary. It has been though submitted that only with the intention to fulfil all the seats in the college of the applicant, all types of facilities, including the preparation of drafts etc. were provided to the students. However, learned counsel for the applicant emphasised that there is no allegation that the applicant was able to interpolate the result of NEET 2021 examination or was conspired with the co-accused persons for offline counselling. It has also been submitted that it is undisputed that the counselling was done by the Members of Board.

Learned counsel for the applicant next submitted that the applicant cooperated in the investigation and she appeared on the date, which was mentioned in the notice issued under Section 160 Cr.P.C., but even then she was

arrested. It has lastly been submitted that custodial investigation is not needed and, therefore, the applicant, who is lady having no criminal antecedent and is in jail since 28.02.2023, is entitled for bail. The applicant will never misuse the liberty of bail and shall fully cooperate in the trial.

8. On the other hand, learned A.G.A. opposed the prayer of the applicant and on the basis of instructions provided by Mr. Sanjiv Dixit, Deputy Superintendent of Police, STF/Investigating Officer of the case in question, submitted that it is a huge scam, in which, 891 ineligible students were allowed to get admission through counselling in different colleges, including the Government colleges as well as private colleges, out of which, 76 students were allotted the college of the applicant by the Counselling Board with the conspiracy of the applicant. It has further been submitted that during the course of investigation, statements of students, those were allotted the college of the applicant by the Counselling Board, were recorded under Section 161 Cr.P.C., in which, they categorically stated that they were allured for getting admission in the college of the applicant and it was also told to them that they should not be worried about the marks obtained by them in the NEET 2021 examination. Few drafts of Rs.50,000/- for depositing at the time of counselling was also got prepared from the account of Principal of the College of the applicant and later on those drafts, which were not used, were encashed in the said account. Learned A.G.A. also submitted that the applicant was having communication with the education brokers situated in Maharashtra as well as other States. It has next been submitted that the call detail reports also support the prosecution, which reveal that the applicant was in touch with the co-accused persons. Learned A.G.A., thus, submitted that the role of conspiracy of the applicant is found.

Learned A.G.A. also submitted that the charge sheet has already been filed against few of the accused persons, namely, Satya Narayan Singh-Director, Dr. Umakant-Incharge Ayurvedic Directorate, Lucknow, Rajesh Singh-Senior Assistant, Ayurvedic Directorate, Lucknow and Kailash Chandra Bhaskar-Junior Assistant, Ayurvedic Directorate, under Sections 419, 420, 467, 468, 471, 120-B I.P.C., Section 66D of IT Act and Section 7 of PC Act. Against Kuldeep Singh Verma, charge sheet has been filed under Sections 419, 420, 467, 468, 471, 120-B I.P.C., Section 66 D of IT Act and Section 7A/8(1)(ii) of PC Act. Charge sheet has also been filed against Prabodh Kumar Singh-AGM, Uptron Company, Rupesh Srivastava-Technical Assistant, Uptron Company as well as Harsh Vardhan Tiwari, Saurabh Maurya, Gaurav Kumar Gupta, Indra Dev Mishra, Rupesh Ranjan Pandey,

Vijay Yadav, Dharmendra Yadav and Alok Dwivedi under Sections 419, 420, 467, 468, 471, 120B I.P.C. and Section 66D of IT Act.

It has lastly been submitted by the learned A.G.A. that as several eligible candidates were deprived from getting admission in the BAMS/BUMS/BHMS courses for the academic Session 2021-22 due to the misdeeds of the accused persons, including the applicant, therefore, she is not entitled for bail.

9. However, learned A.G.A. fairly conceded the fact that no content related to interpolation in the result provided by the DGME is found against the applicant. Learned A.G.A. also accepted that the only offence made out against the applicant is of conspiracy. Further, he did not dispute the fact that on the date, which was mentioned in the notice under Section 160 Cr.P.C., the applicant appeared before the Investigating Officer for recording her statement.

10. I have considered the arguments advanced by the learned counsel for the applicant, learned A.G.A. and gone through the contents of the F.I.R., bail application, counter affidavits, rejoinder affidavit as well as other relevant documents, including the case diary provided by the Investigating Officer. The procedure of counselling was also explained by Mr. Kinjal Singh, DGME.

11. It is evident from the record that for NEET 2021 examination, counselling for the courses of BAMS/BUMS/BHMS was to be conducted, for which, the State Government issued Government Order mentioning the procedure as well as constituting the Board. It is further evident that the Uptron company, which is a State undertaking, requested for allowing it to conduct the NEET 2021 counselling on which, on 07.12.2021, a Government Order No. 4683/96-Ayush-1-2021-166/2021 was issued by Shailendra Kumar, Joint Secretary, Department of Ayush, Government of U.P. addressed to Director, Ayurvedic Services, U.P., Lucknow informing that Uptron company is authorised to conduct the online counselling for admission in UG and PG courses for the academic session 2021-22. Though, in the letter dated 07.12.2021 (supra), there was no provision that Uptron Company will engage some other Company for the aforesaid online counselling, the Uptron company engaged another company, i.e., V-3 Soft Solution Pvt. Ltd., which in turn, executed agreement with other company for the purpose, i.e., M/s. Techno Ocean IT Solution Pvt. Ltd.

Surprisingly, in place of conducting online counselling, it was conducted offline, which was not provided in the Government Order. From the record, it is further evident that the interest of the private colleges was to get admission of the

students in their colleges and that their seats should not fall vacant for the academic year. However, there is no such evidence in the entire record, including the case diary that the involvement of the applicant was found in the interpolation of the result of DGME or for conducting the counselling offline, and as per the prosecution case, the only charge, which is alleged against the applicant is of conspiracy. Further, indisputably the applicant appeared on the date fixed in the notice issued under Section 160 Cr.P.C. and there is no evidence that now her custodial interrogation is necessary.

12. In view of above above facts, this Court is of the view that the applicant is entitled to be released on bail.

13. **Application stands allowed.**

14. Let applicant -Dr. Ritu Garg be released on bail in F.I.R. No. 382 of 2022 (supra), on her furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which she is suspected.

(ii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iii) The applicant shall file an undertaking to the effect that she shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant shall remain present before the trial court on each date fixed, either personally or through her counsel. In case of her absence, without sufficient cause, the trial court may proceed against her under Section 229-A IPC.

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure her presence proclamation under Section 82 Cr.P.C. may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against her, in accordance with law, under Section 174-A IPC.

(vi) The applicant shall remain present, in person, before the trial court on dates

fixed for (a) opening of the case, (b) framing of charge; and (c) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court, absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against her in accordance with law.

15. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order in the matter regarding cancellation of bail.

16. However, before parting with the judgment, it is worthy to be taken note of Parcha CD No. 20 of the case diary provided by the Investigating Officer, in which, statement of Dr. Umakant, Officer-in-charge Ayurveda Directorate, who was later on, also inducted in the Counselling Board for the academic year 2021-22 recorded under Section 161 Cr.P.C. is mentioned. In his statement, Dr. Umakant stated that earlier in the year 2019, mal-practice was adopted in the admission process and huge money was taken from the colleges, in the name of allotment of students for PG courses. The Investigating Officer did not dispute the contents of the statement of Dr. Umakant mentioned in the aforesaid parcha.

17. The relevant statement of Dr. Umakant Singh recorded under Section 161 Cr.P.C., mentioned in CD No. 20 is reproduced as under:

"प्रश्न.. कुलदीप सिंह वर्मा ने अपने बयानो मे बताया कि आपने व एस. एन. सिंह ने मा० उच्चतम न्यायालय के किसी आदेश के बाद कालेजो के मालिको से मिलकर एडमीशन कराये थे जिसमे काफी लेन देन की बात शासन से लेकर मंत्री तक की आयी है इसकी पूरी सच्चाई क्या है?

उत्तर... वर्ष 2019 में मा० उच्चतम न्यायालय मे प्राइवेट आयुर्वेद मेडिकल कालेज एसोशिएशन, प्राइवेट यूनानी मेडिकल कालेज एसोशिएशन व अन्य कुछ कालेज जिसमे भारत आयुर्वेद मेडिकल कालेज, श्री सत्य आयुर्वेद मेडिकल कालेज मुरादाबाद, जामिया तिब्बिया युनानी, देवबंद युनानी, विवेक आयुर्वेदिक कालेज, संतुष्टि आयुर्वेदिक कालेज, हकीम रईस यूनानी कालेज, अलीगढ़ आयुर्वेद युनानी कालेज, विवेक कालेज, डॉ० अनार सिंह कालेज, बाबू सिंह ददू सिंह कालेज, जीवन ज्योति कालेज, WTM कालेज, संजीवनी कालेज, भारतीय आयुर्वेद कालेज, डॉ० अब्दुल अली तिब्बिया कालेज व अन्य दस बारह कालेज मिलकर एक रिट दाखिल किये जो इन कालेजो मे दाखिले से संबंधित था मा० न्यायालय द्वारा एक आदेश इस संबंध मे जारी किया गया उस आदेश की कापी डॉ० अनवर सईद जामिया तिब्बिया यूनानी सहारनपुर व डॉ० अकरम भारत आयुर्वेद मुजफ्फर नगर लेकर मुझसे बात करके निदेशालय आये। वहाँ निदेशक प्रो० एस.एन. सिंह को आदेश की कापी दिया गया और पढ़ाया गया।

निदेशक एस. एन. सिंह ने मुझे भी अपने चेम्बर में बुलाया गया था। अकरम व अनवर ने कहा कि सर इस आदेश का अनुपालन जल्दी कराना सुनिश्चित करे तो हम सारे प्राइवेट कालेज वाले मिलकर UG के लिए 1.10 करोड़ व पीजी के 50 लाख रुपये दे सकते हैं। इस पर निदेशक व मैंने उन्हें आश्वासन दिया कि आप एडवांस 10 लाख लेकर आओ तो मंत्री जी के, पी. एस. राज कुमार दिवाकर के माध्यम से मंत्री जी को रुपये पहुंचा कर बात सेट करते हैं। जिसके बाद वे लोग चले गये। निदेशक एस. एन. सिंह ने तत्काल इस संबंध में प्रस्ताव, आदेश की कापी के साथ शासन को भेजने के लिए मुझसे कहा था जो मैंने करवा दिया था। उसी शाम राजकुमार दिवाकर से मैंने बात किया था व मंत्री जी श्री धर्म सिंह सैनी से मिलने के लिए कहा था। तो उन्होंने कहा कि शाम को 16 गौतमपल्ली आवास पर आइए। शाम को मैं एस. एन. सिंह के साथ आदेश की एक कापी लेकर मंत्री जी के आवास पर पहुंचा, वहां राजकुमार दिवाकर मौजूद थे। उन्होंने मंत्री से हमें मिलाया। बैठक हाल में ही आदेश की कापी देते हुए मैंने व एस. एन. सिंह ने बताया कि सर यह आदेश का अनुपालन जल्दी कराने के लिए डॉ० अकरम व डॉ० अनवर सईद आये थे जिनके द्वारा यह कहा गया कि अनुपालन होने पर वह सारे कालेजों की ओर से आकर मिलेंगे। जिसके बाद, मैं और एस. एन. सिंह वापस आ गये इस बात के कुछ दिन बाद अकरम व अनवर ने मुझे फोन करके श्री राम टावर के पास अपनी इनोवा गाडी में आकर मिलने को बुलाया था। वहां मुझे एक बैग में 10 लाख रुपये कैश पकड़ाते हुए कहा कि सर हमने सारे कालेजों से बात कर ली है, अब आप जल्दी आदेश कराइये। पैसे लेकर मैं वापस निदेशालय आया व एस. एन. सिंह के कमरे में जाकर उन्हें बताया तो उन्होंने कहा कि 02 लाख तुम रख लो, 02 लाख रामकुमार दिवाकर को दे आओ व 06 लाख मेरा भी तुम रखे रहो मेरा घर बन रहा है जब मैं बताउगा तो उसी में दे देना। उसके कुछ दिन बाद ही आदेश का अनुपालन हो गया एवं कार्यवाही करने का आदेश हो गया। कालेज वाइज एडमीशन पाये अभ्यर्थियों की लिस्ट डायरेक्टरेट आयी थी, जिसका सत्यापन काउंसलिंग के सदस्य संयुक्त सचिव लक्ष्मण सिंह, प्रो० पी. सी. सक्सेना, निदेशक एस. एन. सिंह व मेरे द्वारा करके शासन के माध्यम से मा० मंत्री का अनुमोदन होना था। यह कार्यवाही हो गयी व कालेज वाइज लिस्ट वापस भेज दी गयी थी। उसके कुछ दिन बाद अकरम व अनवर पूर्व की भाँति मुझको बुलाकर अपनी गाडी में मिले थे और मुझे 01 करोड़ रुपये नकद दिया जिसे लेकर मैं वापस निदेशालय आ गया। एस. एन. सिंह के पास जाकर मैंने उनको 01 करोड़ रुपये दे दिये थे। उसमें से 35 लाख रुपये मा० मंत्री जी श्री धर्म सिंह सैनी के लिए, 03 लाख रुपये प्रो० पी.सी. सक्सेना, 02 लाख रुपया लक्ष्मण सिंह संयुक्त सचिव, 10 लाख रुपया मुझे, 24 लाख रुपये निदेशक एस. एन. सिंह ने ले लिये थे, 26 लाख रुपया शासन के अधिकारियों के लिए रखा था। मंत्री का 35 लाख रुपया मैं और एस. एन. सिंह मंत्री जी के आवास 16 गौतमपल्ली पर उनके बैठक हाल में ले जाकर राजकुमार दिवाकर के सामने मंत्री जी को दे दिया था, जिसे लेकर राजकुमार दिवाकर अंदर चले गये थे। बाकी 25 लाख रुपया शासन में तत्कालीन अपर मुख्य सचिव आयुष प्रशांत त्रिवेदी को एस. एन. सिंह ने उनके आवास पर ले जाकर दिया था। एक लाख

रुपया विष्णु श्रीवास्तव सेक्सन आफिसर को निदेशक एस. एन. सिंह द्वारा दिया गया था। इसके कुछ दिन बाद पीजी के लिए 50 लाख रुपये अकरम व अनवर पूर्व की भाँति लेकर आये और मैंने श्रीराम टावर के पास जाकर उनसे रुपये लिये थे और वापस निदेशालय आकर श्री एस. एन. सिंह को दिया था। इस पैसे में से 30 लाख रुपया मंत्री जी श्री धर्म सिंह सैनी, 08 लाख रुपया प्रो० सुरेश चन्द्र निदेशक पाठ्यक्रम एवं मुल्यांकन, 02 लाख रुपया प्रो० पी. सी. सक्सेना व 05 लाख रुपया एस. एन. सिंह एवं 05 लाख मुझे मिला था। इसी तरह वर्ष 2020-21 में अक्टूबर- नवम्बर के महीने में 4 से 5 लाख रुपये, नए कालेजों को एन. ओ. सी. देने के लिए, प्रति कालेज मेरे द्वारा इक्कठा किया जाता था। इकट्ठा किये हुए रुपये में से बीस-बीस लाख दो बार मेरे व एस. एन. सिंह द्वारा अपने हाथ से मंत्री जी श्री धर्म सिंह सैनी के आवास पर राजकुमार दिवाकर के माध्यम से ले जाकर मंत्री जी को दे दिया गया था। जिसके बाद अभियुक्त एस. एन. सिंह व कुलदीप सिंह वर्मा को हवालात से बुलाया गया और डॉ० उमाकांत के सामने ही उपरोक्त बातें बताकर पूछा गया तो एस. एन. सिंह ने यह बात स्वीकार की एवं कुलदीप वर्मा ने कहा कि सर मैंने ऊपर तक पैसे के बटवारे की बात सुना था, आज मैं पूरी बात जान पाया हूँ। तत्पश्चात एस. एन. सिंह व कुलदीप सिंह वर्मा को वापस हवालात भेजा गया। "

18. From a bare perusal of the aforesaid statement given by Dr. Umakant Singh, it is evident that huge money was usurped by various persons in admission process of the year 2019, in the name of compliance of the order of the Hon'ble Supreme Court. The Investigating Officer present before this Court at the time of argument, accepted that the allegations levelled by Dr. Umakant, quoted above, which are undoubtedly very serious, were not verified from any senior Officers of the Government.

19. After looking such wrongdoings by the authorities for admission in UG and PG courses and that too, in the name of compliance of the order of the Hon'ble Apex Court, depriving the eligible students; as also finding grave lapses on the part of the Investigating Agency, which may have fatal consequences on the justice delivery system, this Court cannot simply shut its eyes.

Hon'ble Apex Court in the case of **Sanjay Dubey Vs. State of Madhya Pradesh & Anr., 2023 SCC Online SC 610**, has held that the powers under Articles 226 and 227 of the Constitution of India are meant for taking care of situations where the High Court feels that some directions/orders are required in the interest of justice. The relevant para of the said judgment is as under :

"The High Court is a Constitutional Court, possessing a wide repertoire of powers. The High Court has original, appellate and *suo motu* powers under Articles 226 and 227 of the Constitution. The powers under Articles 226 and 227 of the Constitution are meant for taking care of situations where the High Court feels that

some direction(s)/order(s) are required in the interest of justice. Recently, in *B S Hari Commandant v. Union of India*, 2023 SCC Online SC 413, the present *coram* had the occasion to hold as under:

"50. Article 226 of the Constitution is a succour to remedy injustice, and any limit on exercise of such power, is only self-imposed. Gainful reference can be made to, amongst others, A V Venkateswaran v. Ramchand Sobhraj Wadhvani, (1962) 1 SCR 573 and U P State Sugar Corporation Ltd. v. Kamal Swaroop Tandon, (2008) 2 SCC 41. The High Courts, under the Constitutional scheme, are endowed with the ability to issue prerogative writs to safeguard rights of citizens. For exactly this reason, this Court has never laid down any strait-jacket principles that can be said to have "cribbed, cabined and confined" [to borrow the term employed by the Hon. Bhagwati, J. (as he then was) in E P Royappa v. State of Tamil Nadu, (1974) 4 SCC 3: AIR 1974 SC 555] the extraordinary powers vested under Articles 226 or 227 of the Constitution. Adjudged on the anvil of Nawab Shaqafath Ali Khan (supra), this was a fit case for the High Court to have examined the matter threadbare, more so, when it did not involve navigating a factual minefield."

20. Since in the statement of Dr. Umakant quoted above, serious allegations have been levelled against the Senior Officers of the State Government as well as its Minister, this Court is of the view that the sanctity of the said statement needs thorough investigation.

21. In such circumstances, while exercising the inherent powers conferred by Article 226 of the Constitution of India read with Section 482 Cr.P.C., ***this Court directs the Director, CBI, New Delhi to register a case on the statement of Dr. Umakant recorded under Section 161 Cr.P.C. in the present case, as mentioned in para 17 of this order (part of CD 20) and to conduct an investigation in relation to the allegations made by Dr. Umakant in relation to mal-practice adopted in the admission process of UG and PG courses in Ayush Department, in the year 2019.***

Deputy Superintendent of Police, STF is directed to hand over all the relevant copies of the documents, including the case diary to the Director CBI.

22. Senior Registrar of this Court is directed to communicate this order to the Director, CBI, New Delhi, Additional Chief Secretary, Department of Home, Government of U.P., as also to the counsel appearing for the CBI before this Court for necessary compliance, forthwith.

23. List this case on 1st August, 2023 for placing the report of the CBI by way of affidavit.

24. Let the photocopy of the case diary be returned back to learned A.G.A. by the Bench Secretary.

May 24, 2023

VKS