IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
WP No. 21879 of 2025

(INDIRA PRIYADARSHANI COLLEGE BHOPAL** Vs **THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 18-08-2025

Shri Vivek Krishna Tankha - Senior Advocate with Shri Aryan Shukla and Shri Satyam Agrawal - Advocates for the petitioner.

Shri Harpreet S. Ruprah - Additional Advocate General with Shri Akash Malpani - Panel lawyer for the State.

The present petition has been filed by the petitioner, which is a college operating under the name and style of Indira Priyadarshani College at Bhopal, which is represented through its authorized signatory Mr. Arif Masood, who is the Secretary of Aman Education Society, which is the society operating and governing petitioner college. The impugned order is dated 09.06.2025 by which a direction has been given to the respondent No.4, Barkatullah University, Bhopal, to de-affiliate the petitioner-college.

2. Learned Senior counsel appearing on behalf of the petitioner has submitted that the petitioner college was established in the year 1995 and that more than 70,000 students have passed from it in all these years. He further submitted that college offers 25 courses and engages more than 70 staff members and about 1,057 students are currently receiving instructions in various disciplines. In short, learned senior counsel has submitted that the college is a running institution.

3. Going back to the legacy of the case, learned senior counsel submits that on 01.04.2005, a show cause notice was issued to the petitioner college,

whereby the solvency certificate submitted by it at the time of seeking affiliation was found to be forged. On 04.10.2005, the petitioner submitted a reply to the Education Department that the petitioner had outsourced the task of getting a solvency certificate and the agents misled the petitioner and consequently, the forged document pertaining to the property, which was given to show solvency, was on account of fraud played by the agents. On 27.09.2005, a second showcase notice with similar allegations were issued to the petitioner. At this point of time, the petitioner furnished afresh solvency certificate, which shall be averted to by the Court at a latter part of this order.

4. On 27.09.2005, one Mohammad Haseeb preferred a complaint against the college on the same issue. On 25.03.2009, a show cause notice was issued to the petitioner by the Education Department and a detailed inquiry was conducted and recommendation was that no intervention was to be made as there the same was a subject matter of a case pending in the High Court with regard to the location of the property and so there was a hands-off approach by the Education Department to the complaint filed by the Mohammad Haseeb. On 21.01.2011, another complaint was filed, this time by one Arif Aqeel, and an inquiry was conducted, and the opinion of the Education Department was that no case was made out against the petitioner college.

5. On 22.12.2011, an application was submitted by the petitioner to shift the location of the college from 'Khanugaon' village to 'Pura' in Chhindwara district. On 08.02.2012, a spot inspection of the campus was conducted and on 27.02.2012, a permission to shift the campus was granted

and it was as though for a new college, and all formalities were done as required for the establishment of a new college, as so stated by the learner senior counsel appearing on behalf of the petitioner.

6. On 08.07.2024, a fresh complaint, which was a replica of the complaint made on 27.09.2008 by Mohammed Haseen was filed against the petitioner institution. On 22.07.2024, there was a letter by the respondent seeking necessary documents from the petitioner College relating to the year 2005. Along with the covering note dated 25.07.2024, the documents that were sought by the respondent, were delivered by the petitioner. On 29.07.2024, the college submitted a representation to the Education Department that similar complaint was filed in 2008 and that the present complaint was also filed for harassing the petitioner. The enquiry report was submitted on 03.10.2024 and thereafter, on 28.04.2025, an inquiry was conducted into the functioning of the petitioner college and the recommendation was made to de-affiliate the college.

7. A show cause notice was issued to the petitioner college vide letter dated 14.05.2025 by the Education Department. The petitioner college requested the supply of a copy of the inquiry report and supporting documents and the grant of one month's time to file a reply. On 20.05.2025, the Department handed over some documents and asked for a detailed reply of the college by 26.05.2025. On 26.05.2025, the college requested for additional time as the documents date back to 20 years and several office bearers of the society had left and therefore, prayed for one month's additional time. Thereafter, on 09.06.2025, the impugned order was passed

by the Department of Education referring to the letter of 26.05.2025 of the petitioner asking for further time as its reply and rejected the same and directed the university to de-affiliate the college.

8. Certain undisputed facts of this case reveal a shocking state of affairs. The first time that the petitioner has sought affiliation, the document that was given for the purpose of solvency, was undisputedly a fabricated document as so stated by the petitioner but the blame for which was sought to laid at the doorstep of the 'alleged agents' to whom this task was allegedly 'outsourced'. In this regard, learned Additional Advocate General appearing on behalf of the respondent, has referred to the document that was placed by the petitioner before the respondents in order to establish solvency, which is a sale deed of a property dated 10.01.2001, where the seller's name is Bulakhilal and the purchaser is Aman Education Society through its Secretary Mr. Arif Masood. Upon verification of the said document, the same was found to be fabricated, way back in 2004 itself and the original sale deed disclosed that the seller was the same, but the purchaser was Mrs. Rubina Masood, who is the wife of the Secretary of the society running the petitioner college. The document was tampered with and offered as proof of solvency. The respondents came to know of the fraud played upon them in the year 2004 itself, but for reasons that *prima facie* appeared to be pernicious, condoned the alleged offence under Sections 420, 467 and 468 of IPC, which *prima facie* appeared from the actions of the petitioner and gave him a second chance to place on record a genuine documents to prove solvency.

9. The learned Additional Advocate General has referred to para-5 of the impugned order, where the petitioner society placed before the respondents a lease deed dated 02.08.1999 relating to a plot, which was on Khasra No.26 admeasuring 2.83 acres on which existed a constructed building, which was verified by the Registrar, Pari bazaar, Bhopal, and who by his letter dated 31.07.2024, found that the lease deed had indeed being registered with the respondents. However, as the rules required that the solvency certificate must relate to a property over which the petitioner had ownership title, the petitioner allegedly purchased the property by a sale deed dated 07.10.1999 relating to the same property that was initially leased to the petitioner, which was at Khasra No.26 admeasuring 2.83 acres in village Koh-E-Fiza, whose seller was Rabia Sultan and the buyer was Aman Education Society. That sale deed was verified by the respondents at the Office of Sub-Registrar, Pari bazaar, Bhopal and vide letter of the Sub-Registrar dated 31.07.2024, it was disclosed that the sale deed of 07.10.1999 was not registered at that Office. Thus, the second property placed as consideration for solvency, was also a forged and fabricated document. Thus, as on date, there is no document on record satisfying the requirement of solvency of the petitioner college, as alleged by the Ld. AAG in the course of his arguments and thereafter, the petitioner institution had a free run for the next 20 years.

10. The facts disclose a shocking state of affairs of unbridled and unapologetic corruption existing in the State. The Secretary of the petitioner society should have been jailed in the year 2004 itself for having placed a

fabricated document for the purpose of solvency and having received affiliation for his college on the basis of that document. Instead, the State was outrageously magnanimous to condone his crime and give another opportunity to him to place another document to establish solvency, 'preferably genuine' this time round (sarcasm intended). However, the petitioner, incorrigible as he was (as alleged by the State) yet again preferred another sale deed of 07.10.1999 for showing solvency, which according to the Ld. AAG also happened to be a fabricated document as the copy of the same is not registered in the records of the Office of Sub-Registrar, Pari bazaar, Bhopal. All this was done between 2004 and 2005. The fabricated document was accepted by the State. Interestingly, the second sale deed, which is of 07.10.1999 relating to Khasra No.26 admeasuring 2.83 acres was never verified by the State at all for 20 years after it was offered to prove solvency and its verification was done by the report of the Sub-Registrar dated 31.07.2024. In the meanwhile, the petitioner college had a free run for two decades till he ran out of luck in the year 2024 which raises the question as to how the petitioner survived without any intervention by the State for twenty years and why did his luck run out in the year 2024?

11. *Prima facie*, it appears that the Secretary of the society was a blue-eyed boy of the dispensation that existed before 2024. The party in power in the State has been the same for more than two decades. However, the captain of the ship changed in the year 2023, when the woes of the petitioner college commenced from 2024. The action taken by the State against the petitioner vide the impugned order directing the University to de-affiliate the petitioner

college appears to be a pat on the wrist of the Secretary of the Education Society. Till date, there has never been any move by the State to register an FIR against Mr. Arif Masood, who is the Secretary of the Aman Education Society running the petitioner college or the Officers, who held responsible positions on that day and whose duty it was, once the fraud was uncovered, to proceed immediately against Mr. Arif Masood and instead condoned his crime and were gracious enough to permit him to place other documents for the purpose of establishing solvency.

12. In the meanwhile, the actual sufferers are the students, who have paid for education in the petitioner college and as on date, there are more than 1,000 students receiving instructions in various disciplines from the petitioner college. Under the circumstances, as an interim measure, the petitioner college is permitted to continue, and de-affiliation is stayed for the time being. However, the petitioner college shall not take any fresh students for the next academic session without the permission of this Court, from the date of this order.

13. For the alleged offence committed by Mr. Arif Masood in connivance with the Officers who permitted him to place two fraudulent documents one after the other, deserve to be proceeded against. In this regard, this Court directs Police Commissioner, Bhopal to register an FIR against Mr. Arif Masood and such other persons, who may appear to have been complicit from the side of the State in facilitating Mr. Arif Masood in this alleged offence, within three days from the date of this order being uploaded on the website of the Court. *Prima facie,* this Court is of the

opinion that Mr. Arif Masood maybe politically well connected, otherwise it was impossible for him to have continued for more than 20 years without any issues. Therefore, this Court deems it essential to constitute an SIT, which would oversee the investigation by the police in the FIR registered pursuant to the directions of this Court. In this regard, this Court requests the Director General of Police, Mr. Kailash Makwana to consider constituting an SIT headed by Mr. Sanjiv Shami presently A.D.G. Telecommunications P.H.Q., Bhopal and two such other Officers to be selected by Mr. Sanjiv Shami as per his confidence and trust, which would oversee the investigation of this case and bring the guilty to book if any. The Court hopes that the SIT would be able to oversee the investigation and take it to its fruition by filing the necessary report under Section 173 of Cr.P.C., within a period of 03 months from the date of this order. It is made clear that the investigation must proceed uninfluenced by the observations made in this order which even otherwise are *prima facie* observations made on the basis of the records of the case and the arguments put forth by the parties.

8. List this case for further consideration on **22.09.2025 at top of the list.**

(ATUL SREEDHARAN)
JUDGE

(PRADEEP MITTAL)
JUDGE

Shruti