

Court No. - 33

Case :- WRIT - A No. - 16810 of 2023

Petitioner :- Prashant Kumar

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Sandeep Kumar Tiwari, Suresh Tripathi

Counsel for Respondent :- A.S.G.I., Krishna Ji Shukla, Satish Chaturvedi

Hon'ble J.J. Munir, J.

The petitioner has moved this petition seeking a *mandamus* to direct the respondents to consider his claim for appointment under the dying-in-harness rules on account of his father's death-in-harness.

Vide order dated 11.10.2023, this Court required the Regional Manager, State Bank of India, R.B.O.-6, Varanasi, District - Varanasi and the Branch Manager, State Bank of India, Branch - Maunath Bhanjan, District - Mau to show cause by their separate affidavits within a week why the petitioner's case has not been decided.

A personal affidavit has been filed in Court today on behalf of the Branch Manager, State Bank of India, Branch - Maunath Bhanjan, District - Mau, by Ms. Archana Singh, learned Counsel for the Bank, where it is averred in paragraph nos. 2 and 3:

"2. That it is relevant to state that earlier, petitioner's mother has filed an application for compassionate appointment of petitioner before the Regional Manager, RBO-4, Varanasi, State Bank of India who is not party in the present writ petition, which was duly received on 4.11.2022. For the kind perusal of this Hon'ble Court copy of application dated 4.11.2022 is annexed as Annexure-1 to this affidavit.

3. That application was decided/ rejected by the concerned Regional Manager, State Bank of India, RBO-4 Varanasi, by speaking order dated 09.01.2023 which was sent to the mother of petitioner through registered post. For the kind perusal of this Hon'ble Court Copy of order dated 09.01.2023 along with postal receipt are collectively annexed herewith and marked as Annexure-2 to this affidavit."

A perusal of Annexure No. 2 to this personal affidavit shows that the application made by the petitioner's mother, seeking the petitioner's appointment on compassionate grounds, was rejected by the Bank *vide* order dated 09.01.2023 and it was sent to the petitioner's mother by registered post.

A copy of the registered postal receipt is annexed to the personal affidavit of the Branch Manager at page no. 11.

It is thus apparent that the petitioner's claim for compassionate appointment moved through his mother had already been rejected by the respondent-Bank. However, the petitioner deliberately suppressed the said fact from the Court and filed this petition framed as one for the issue of a *mandamus* on premise that his case had never been considered.

This *ex facie* amounts to gross suppression of facts which cannot be countenanced in the exercise of our equitable jurisdiction under Article 226 of the Constitution of India. The petitioner has clearly rendered himself disentitled to relief.

This petition **fails** and is **dismissed**. There shall be no order as to costs.

Order Date :- 19.10.2023

Prashant D.