

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5838 of 2017

Haravansh Das S/o Late Shri Chhedilal, Aged About 45 Years R/o Arwind Nagar, Bandhwapara, Sarkanda, Bilaspur, Police Station Sarkanda, Tahsil And District Bilaspur, Chhattisgarh., Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Law And Affair Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh., Chhattisgarh
2. Under Secretary, Advocate General Office, High Court Campus, High Court Of Chhattisgarh, Bodri, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondents

Shri Pushpendra Singh Baghel, counsel for the petitioner/s.
Shri Prasoon Bhaduri, Govt. Advocate for the State / respondents.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/01/2018

At the outset, learned State counsel points out that the petitioner has already filed a writ petition i.e. W.P.5553/2006, in which order dated 06/07/2006 passed in compliance of order dated 26/04/2006 passed in W.P. No.125/2006 of this Court, is under challenge and this fact has been completely suppressed by the petitioner.

2. Learned counsel for the petitioner would submit that due to inadvertent mistake, the petitioner could not mention this fact in this present petition but later on, the other writ petition No.5553/2006 was permitted to be withdrawn vide order dated 09/11/2017 with liberty to raise all legally permissible grounds in the present petition. Therefore, he would submit that the petition may be heard on merits.

3. The petitioner filed a writ petition before this Court alleging order of his

termination which was disposed off vide order dated 26/04/2006 in W.P. No.125/2006. This Court directed consideration of petitioner's case for appointment against a general open category post if there is any vacancy either for fresh appointment or continuation. Thereafter, order dated 06/07/2006 was passed rejecting petitioner's claim. The petitioner challenged that order in WPS No.5553/2006. During the pendency of that petition, this petition has been filed by the petitioner in the year 2017. This petition raises a grievance that respondent No.2 has not complied with the direction issued by this Court on 26/04/2006 passed in WP No.125/2006. In para 6 of this petition, it is mentioned that "matter not previously filed or pending with any other Court of law". Though the petitioner mentioned regarding order dated 26/04/2006 passed in WP No.125/2006, he has conveniently suppressed that the other writ petition has already been filed before this Court. The petitioner had full notice and knowledge about the pending writ petition. If I may say so, the petitioner is guilty of suppressing the material facts from the Court. Grant of relief under Article 226 of the Constitution of India is a discretionary power. The person who has approached the Writ Court has to come with clean hands. Any attempt to misuse the judicial process has to be strictly viewed. Only on the ground of suppression of material facts from the Court, this petition is dismissed.

Though this Court was inclined to impose heavy cost on the petitioner, considering that the petitioner is an unemployed person, a cost of Rs.1,000/- is imposed.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge