

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7844 of 2015

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Jai Narayan Rai Son of Late Khokha Rai Resident of village- Jonka, P.S.-
Rajmahal, District- Sahebganj Jharkhand

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Govt. of Bihar Patna
2. The Home Commissioner Bihar, Patna.
3. The D.G. of Police Bihar, Patna.
4. The Commandant B.M.P.- 9, Jamalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shruti Sinha

For the Respondent/s : Mr. Pankaj Kumar Sinha, AC to GA 9

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-06-2019 Heard learned Counsel for the petitioner and the
learned Counsel for respondent State.

The petitioner had earlier filed a writ application against the order passed in departmental proceedings whereby he has been punished.

The same punishment is impugned in the instant proceeding. The petitioner has made specific averment in the writ petition that earlier writ proceedings arising out of CWJC No. 11111 of 2003 was dismissed on 19.3.2004. However, the said order has not been placed on record.

The relief in the instant proceeding is in respect of the same departmental proceeding. Suppression of the order passed in CWJC No. 11111 of 2003 is therefore viewed by this Court as suppression of the relevant and material fact. In absence of the order passed in CWJC No. 11111 of 2003, it is not possible for this Court to examine whether the earlier writ petition was decided on merits, and what was the decision. Suppression of the order passed in the earlier writ proceedings,



is therefore suppression of a relevant and material fact.

On the said ground this Court would refuse to exercise jurisdiction in favour of the petitioner, who has not approached this Court in its equitable jurisdiction with clean hands.

The writ petition is dismissed.

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(Madhuresh Prasad, J)

