

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4398 of 2018

Chandra Bhanu Yadav

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Kumar Singh, Advocate
For the State	:	Mr. Bijay Bhushan Prasad, A.C. to S.C.-13

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 09-09-2019 Chapter III under Part-II of the Patna High Court

Rules lays down rules regarding applications and affidavits.

Rule 3 of Chapter III requires that the facts, stated in every petition, shall be verified either by solemn affirmation or on oath of the petitioner or by a separate affidavit annexed to the petition. It further requires that the affidavits should be filed in support of facts brought to the notice of the Court otherwise than by petitions referred to in Sub-rule(i) of Rule 3. Sub rule (iii) of Rule 3 prescribes that solemn affirmation or oath, required for such affidavits, shall also be made before the Commissioner for Affidavits or any other officer appointed for that purpose by the Supreme Court or any of the High Courts.

Writ proceedings are decided on Affidavits. While hearing the present writ application I had noticed many over-



writings, cuttings and erasures in the petition without any mark or initial made by the Oath Commissioner. Though the writ application was dismissed by order dated 22.8.2019 as not maintainable, I had sought a report from the learned Registrar General disclosing the circumstance and stage in which such interference could be managed in the body of the petition. A report has been submitted by the learned Registrar General after having received a reply to a notice issued to Mr. Mukesh Kumar, learned Advocate of this Court and Ex-Advocate Oath Commissioner, before whom the affidavit was sworn by the petitioner. The reply of learned Advocate has been annexed with the report of the learned Registrar General. The only explanation, which has been given by the then Oath Commissioner, is that it was because of mistake that he could not put his initials nor mark them in read ink.

It is noteworthy that Rule 19 of Chapter III of Patna High Court Rules specifically provides that every interlineation, alteration or erasure in a petition or affidavit shall be authenticated by the initials of the Commissioner before whom the petition was verified or the affidavit was made, and shall be so made as not to render it impossible or difficult to read either the interlineation, alteration or erasure, or the original word or



figure which may have been altered or erased.

For the present I am issuing a note of caution to every person before whom the oath can be administered under the Rules for filing an application before this Court. Rule 19 of Chapter III of the High Court Rules has its own significance where most of the applications are adjudicated upon on the basis of Affidavits only. It shall be the duty of an Oath Commissioner or an Officer before whom an Affidavit can be sworn to ensure the Provisions under Rule 19 of Chapter III is strictly complied with. Any failure to comply with the other mandatory provisions may have serious consequences.

(Chakradhari Sharan Singh, J)

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