

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.1266 of 2020

ORDER:

Aggrieved by the action of the respondents in not permitting the petitioners to write exams of third year course of Bachelor of Architecture, the petitioners approached this Court by way of this writ petition.

2. By order dated 23.01.2020, this Court granted interim order directing the respondents to permit the petitioners herein to sit for the examination of third year fifth semester of degree course of Bachelor of Architecture by issuing hall tickets, being under the impression that there is only one backlog to each of the petitioners.

3. Subsequently, it has been brought to the notice of this Court that the petitioners have approached this Court by suppressing the fact of having more than three subjects as backlogs and obtained interim order, on 23.01.2020. Therefore, the matter is being listed under the caption 'for being mentioned' today, i.e. 29.01.2020.

4. Having regard to the fact that the order has been obtained by making a misrepresentation, this Court is of the view that the interim order is required to be recalled, and accordingly, the interim order dated 23.01.2020, is recalled.

5. Since, the petitioners have approached this Court with unclean hands by suppressing the material facts, the petitioners are not entitled to for any relief being granted by this Court, as the petitioners while invoking the jurisdiction of this Court under Article 226 of the Constitution of India are required to approach with clean hands, as observed by the Hon'ble

Supreme Court in SJS BUSINESS ENTERPRISES PRIVATE LIMITED
V/ s. STATE OF BIHAR¹.

6. For the aforesaid reasons, the writ petition is devoid of merit and is dismissed. Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

JUSTI CE T.VI NOD KUMAR

Date:29.01.2020

Note:

Furnish C.C. today.
(B/o)
GJ



¹ (2004) 7 SCC 166