

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15056 of 2019

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Madan Kumar Singh, aged about 49 years, Male, Son of Ganga Prasad
Resident of Village -Kochas, P.S.-Kochas, District- Rohtas

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna
2. Special Secretary Health Department, Govt. of Bihar, Patna
3. The Director-in-Chief, Health Service, Govt. of Bihar, Patna
4. The Civil Surgeon Sasaram (Rohtas)
5. The Incharge Medical Officer Primary Health Centre, Dinara, Sasaram (Rohtas)

... .. Respondents

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Appearance :

For the Petitioner : Mr. Birendra Kumar, Adv.
For the State : Mr. Sudhir Kumar Singh AC to SC-23

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 13-07-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The Court, under order dated 06-07-2022, has recorded
as follows:-

*“A supplementary counter affidavit
has been filed which is taken on record.*

*Referring to the select list dated 30-
09-2011 (Annexure -C to the supplementary
counter affidavit), the authorities have made a
categorical statement in the supplementary
counter affidavit that though the petitioner’s
name did not figure in the said list, by
manipulating the list, he has tried to claim that
he was selected.*

*This Court would observe that if the
fact is correct, then not only has he played a
fraud with respondents, but by filing the same in*



the instant proceedings, the issue may get further aggravated. However, the observation is prima facie and not conclusive since petitioner must be given an opportunity to consider the averments made in the supplementary counter affidavit, for which, one week time is granted.

List this case on 13-07-2022 within top five case.”

3. Learned counsel for the petitioner again makes a prayer for adjournment. The specific stand of the State in the counter affidavit is that the petitioner has manipulated the select list and on the basis of a manipulated select list (Annexure-1), he has claimed the relief in the instant writ petition.

4. No response has been filed by the petitioner denying the stand of the respondents in the counter affidavit.

5. The counter affidavit of the respondents further reveals that F.I.R. has also been lodged against the petitioner for the said offence.

6. The petitioner apparently has not approached this court with clean hands, and, therefore, this Court is not inclined to invoke its equitable writ jurisdiction in favour of the petitioner under Article 226 of the Constitution of India.

7. The writ petition is dismissed.

(Madhuresh Prasad, J)

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