



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-1284-2023 (O&M)
Date of Decision:- 20.05.2024

Gurmeet Singh Baggri and others
...Appellant(s)
Versus

Punjab State Power Corporation Limited, Patiala and others
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Vijay Pal, Advocate,
for the appellants.

Ms. Anu Chatrath, Senior Advocate,
with Mr. Nishant Maini, Advocate,
for respondent No. 1 – PSPCL.

Mr. Aalok Jagga, Advocate,
and Mr. Harkirat S. Jagdev, Advocate,
for respondents No. 4 to 6.

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G.S. SANDHAWALIA, A.C.J. (ORAL)

1. The consideration in the present appeal is to the order dated 04.07.2023 passed by the learned Single Judge dismissing CWP-6704-2021.
2. The learned Single Judge, while passing the detailed order, came to the conclusion that the appellants-writ petitioners did not approach this Court with clean hands and had concealed the material facts and did not disclose the date of admission for pursuing B.Tech (Electrical) degree through distant education mode. A finding was recorded that apparently the admissions were taken beyond the academic sessions 2001-2005 as laid down by the Apex Court in *Orissa Lift Irrigation Corporation Limited Vs Rabi Sankar Patro and others* (2018) 1 SCC 468 in the un-recognized courses on the verge of



completion of the academic year. Resultantly, the writ petition was dismissed.

The relevant portion of this aspect as such for the concealment is recorded as under:-

“[27]. The petition is completely silent as regards academic session 2005-06 and not 2004-05. The petitioners have not approached this Court with clean hands and they have concealed the material facts. The petitioners have not disclosed the date of admission or to which academic year did they take admission for pursuing B.Tech (Electrical) degree through distant education mode. The date of admission and academic years are material information to be disclosed by the petitioners in order to determine the eligibility of the petitioners for the benefit in question.

[28]. The petitioners No.1 to 3 are outrightly beyond consideration in view of judgment of the Hon’ble Apex Court having taken admission in academic session 2005-06. As regards the remaining two petitioners, it has been projected that they have taken admission in January, 2005 whereas there is no admission during the said part of the year. Admissions take place in the beginning of session 2004-05. These petitioners in collusion with their respective Universities carrying on these unrecognized courses intentionally showed them admitted in January 2005, which is at the verge of completion of academic year. Without attaining any proper classes, it would be highly imaginary to see that the students would get the requisite degree having studied only for few months. These Universities were already subject matter of CBI investigation as is evident from the order of the Hon’ble Supreme Court in Orissa Lift Irrigation Corp. Ltd. case (supra).

[29]. In view of observations made in Civil Appeal Nos. No.17869-17870 of 2017 titled Ashok Kumar and others Vs. Depinder Singh Dhesi and others, the candidates who on the strength of such degrees awarded through distance education mode had obtained a particular level in their career or were enjoying certain benefits as on the date of the judgment and if they pass the examination, those benefits would stand restored. If the candidates could clear the examination in the first attempt itself, there would not even be any break in continuous enjoyment of those benefits. The idea was, candidates should not stand deprived of the status that they were enjoying as on the day of the judgment provided the candidates could prove their worth and ability. But if, the concerned candidates had not attained any particular status, as on the date when the judgment was passed, the width of the directions was not to confer any additional advantage which was not even enjoyed as on the date. It was not the idea to hold the candidates to be entitled to certain additional benefits which the candidates were, as a matter of fact, not even



enjoying on the date of the judgment. If the degrees stood restored in terms of the directions in the judgment and the order, the candidates would certainly be eligible to such entitlements as are available in accordance with law, but restoration would only be of those benefits, which they were enjoying as on the date of the judgment. The intent of the judgment was to restore status quo ante and not to confer any additional advantage by the judgment and the order.”

3. The appellants-writ petitioners had approached this Court for seeking quashing of the seniority lists on the strength of a fact that they had passed the B. Tech. Degree in the year 2008-2009 and ratified in December, 2018 on the basis of the exams and tests conducted by respondent No. 2 on the directions issued by the Apex Court in **Orissa Lift Irrigation Corporation Limited’s** case (supra).

4. The stand as such of the employer was categorical in its written statement, wherein the plea taken was that as per the verification letter received from the Controller of Examinations, Institute of Advanced Studies in Education (Deemed to be University), Gandhi Vidya Mandir, Sardarshahr, District Churu, Rajasthan, petitioner No. 1 (Gurmeet Singh Baggri), petitioner No. 2. (Balwinder Singh) and petitioner No. 3 (Surjit Singh) had taken admission in the session 2005-2006, whereas petitioner No. 4 (Hardeep Singh) and petitioner No. 5 (Baljinder Singh) had taken admission in the session 2004-2005 respectively. The relevant part of the communication dated 14.08.2021 reads as under:-

Sr. No.	Name of Candidate	Course	Month of Enrolment	Academic year	Enrollment No.	Status
1.	Gurmeet Singh	BTELT	July, 2005	2005-2006	IASEDU/DE/05/02/63929	Found True
2.	Surjit Singh	BTELT	July, 2005	2005-2006	IASEDU/DE/05/02/63915	Found True
3.	Hardip Singh	BTELT	Jan, 2005	2004-2005	IASEDU/DE/05/01/50304	Found True
4.	Baljinder Singh	BTELT	Jan, 2005	2004-2005	IASEDU/DE/05/01/50303	Found True
5.	Balwinder Singh	BTELT	July, 2005	2005-2006	IASEDU/DE/05/02/63925	Found True



5. It is, thus, apparent that the appellants-writ petitioners as such effectively in the writ petition had created a smoke-screen by pleading very softly that they were eligible for the benefits of the judgement of the Apex Court in ***Orissa Lift Irrigation Corporation Limited*** (supra) on the ground that they had passed in the year 2008 and 2009 but not clarifying that they had taken admission after the cut off period as held by the Apex Court. Once the confirmation had been received from the employer as such regarding this aspect and the fact remains verified that the admission of two of them in January, 2005 itself is not in consonance with the academic sessions and there is concealment, we are of the considered opinion that they were not entitled to be heard on merits.

6. Reliance can be placed upon the judgement of the Apex Court in ***M/s Prestige Lights Ltd. Vs State Bank of India***, 2007 (8) SCC 449, wherein the Apex Court had declined to hear the parties on merits while upholding the order on the principle that the person who is soiled and approaches the writ Court under Article 226 of the Constitution of India and tries to get a relief is not to be heard on merits. The relevant portion reads as under:-

“32. It is thus clear that though the appellant- Company had approached the High Court under Article 226 of the Constitution, it had not candidly stated all the facts to the Court. The High Court is exercising discretionary and extraordinary jurisdiction under Article 226 of the Constitution. Over and above, a Court of Law is also a Court of Equity. It is, therefore, of utmost necessity that when a party approaches a High Court, he must place all the facts before the Court without any reservation. If there is suppression of material facts on the part of the applicant or twisted facts have been placed before the Court, the Writ Court may refuse to entertain the petition and dismiss it without entering into merits of the matter.

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34. It is well settled that a prerogative remedy is not a matter of course. In exercising extraordinary power, therefore, a Writ Court will indeed bear in mind the conduct of the party who is



invoking such jurisdiction. If the applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the Court, the Court may dismiss the action without adjudicating the matter. The rule has been evolved in larger public interest to deter unscrupulous litigants from abusing the process of Court by deceiving it. The very basis of the writ jurisdiction rests in disclosure of true, complete and correct facts. If the material facts are not candidly stated or are suppressed or are distorted, the very functioning of the writ courts would become impossible.”

7. In such circumstances, in view of what has been recorded by the learned Single Judge and verified from the University as per the chart reproduced hereinabove, we do not find any reason to interfere with the order passed by the learned Single Judge.
8. Resultantly, the appeal stands dismissed.
9. All the pending applications including CM No. 3282-2023 also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

20.05.2024
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No