08.04.2025.
PB
Sl. No.12.
Ct. No.25.

WPA 3821 of 2021

Dipak Pradhan
Vs.
The State of West Bengal & Ors.

Mr. Saibal Acharya,
Mr. Manoranjan Jana.
... For the Petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee.
... For the State.

The present writ petition suffers from serious suppression of the material facts. This is a third consecutive writ petition by the writ petitioner with the self-same prayer alike the previous ones, for grant of appointment on compassionate ground in died-in-harness category.

The first one has been WP No. 5546 (W) of 2016. During pendency of the same and by suppressing the fact of pendency of the same, the petitioner had filed the second writ petition, that is, WP No. 9275(W) of 2018, however, with a same prayer.

WP No. 9275 (W) of 2018 was dismissed on August 27, 2018. The Court held that due to

suppression of the material facts in the said writ petition regarding pendency of the similar other matter earlier filed by the same petitioner, the case should be dismissed and an amount of Rs.5,000/- has been awarded as the cost against the writ petitioner in the said order dated August 27, 2018. According to the State, the cost amount is yet to be submitted by the writ petitioner. Contrary is submitted by the petitioner here, that the cost amount has already been remitted as per directions of the Hon'ble Court. The petitioner has also relied on the subsequent order passed by the Court while disposing of the first writ filed by the present petitioner, that is, dated December 13, 2019, in WP No. 5546 (w) of 2016. It is stated that vide the same the Court has directed the District Inspector of the Schools, to consider the petitioner's prayer as above.

It is further submitted that the resultant order is that dated June 24, 2020, which has been challenged by the writ petitioner, in the instant case.

According to the learned advocate appearing for the writ petitioner, since the writ petitioner has already complied with the Court's order dated August 27, 2018 in WP 9275(W) of 2018, by duly depositing the cost amount and thereafter his other writ petition being WP No. 5546 (W) of 2016 has been disposed of

with the direction upon the District Inspector of the Schools for consideration of his prayer, there would not be either any necessity or relevance, for disclosing about the order of the Court dated August 27, 2018 passed in WP No. 9275(W) of 2018, in the present writ petition.

This Court is not agreeable to accept the argument as above of the writ petitioner, in view of the fact that the petitioner before a Court of equity has to come up with clean hands by duly disclosing all connecting facts. In view of the order of the Court dated August 27, 2018, and the facts and circumstances of the instant case, it appears that the suppression of the material facts has been a perpetual practice for the writ petitioner. It is not for the writ petitioner to assess relevance of a connected fact before disclosing it in the Court of equity. His solemn duty is the equip the Court with true and proper material in the process of dispensation of conscionable justice by the Court. In the present case, there has been gross failure and dereliction by the writ petitioner to discharge his duty as above, thereby rendering him entitled to no remedy in this Court. The Hon'ble Supreme Court in the case of ***Udyami Evam Khadi Gramodyog Welfare Sanstha vs State of U.P. [(2008) Vol.6 Supreme Court Cases pg.120]*** has stated that a writ remedy is an equitable one. A person approaching

a superior Court must come with a pair of clean hands. It not only should not suppress any material fact, but also should not take recourse to the legal proceedings over and over again which amounts to abuse of the process of law.

Considering as above, the writ petition WPA 3821 of 2021, is dismissed.

Report filed in Court is taken on record.

(Rai Chattopadhyay, J.)