

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3943 of 2025

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Rekha Kumari Wife of Suresh Prasad Singh, Resident of Village- Majilishpur
Alipur Hatta, P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Education Officer, Vaishali at Hajipur.
4. The District Programme Officer (Establishment), Vaishali at Hajipur.
5. The Block Education Officer, Lalganj, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Shukla, Adv.
For the Respondent/s : Mr. Government Pleader-12
Mr. Manish Kumar, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 19-02-2026 Heard learned counsel for the petitioner and learned
counsel appearing for the respondents-State.

2. The petitioner in the present writ application has
prayed for the grant of following relief:

*“i. For issuance of Writ/Writs,
Order/Order, Direction/Directions in the nature
of certiorari for quashing the Office Order
contained in Letter No. 3688 dated 09.06.2015
issued by the District Education Officer,
Vaishali, whereby and whereunder the petitioner
has been terminated from the service as an
Assistant Teacher in a very arbitrary and
cavalier manner and accordingly the
petitioner's teacher training certificate of Lord*



Buddha Mission Primary Teachers Training College has been kept in the list of unrecognized institution which is patently illegal and arbitrary in the eyes of law.

ii. It is further prayed that this Hon'ble Court be pleased to hold and adjudicate that the certificate of petitioner is valid and genuine and thus her appointment was made vide Memo No. 747 dated 09.02.2012 on the post of Assistant Teacher pursuant to the direction of the Hon'ble Apex Court from the approved list of the Trained Teachers.

iii. It is further prayed to this Hon'ble Court that since similarly situated persons like the petitioner have already been reinstated in service with all consequential benefits in light of Order dated 28.08.2023 passed in L.P.A. No. 707 of 2016 and accordingly they have been given salary from the date of their termination order till the date of their superannuation, thus in view of Clause 4(C) of Bihar Litigation Policy, 2011 similar benefits may be given to the petitioner also.

iv. It is further prayed that this Hon'ble Court be pleased to grant any other reliefs for which petitioner is found entitled and an appropriate writ/writs, order/orders or direction/directions may be issued under the given facts and circumstances of the case.”

3. At the outset, learned counsel appearing for the respondent-State submits that for seeking the same relief the petitioner had earlier approached this Court vide CWJC No.20772 of 2018 and the said writ application was disposed of by this Court vide order dated 31.10.2018 granting liberty to the petitioner to file representation before the respondent authorities. In terms of the said direction given by this Court in



CWJC No.20772 of 2018 the petitioner filed a representation which was duly considered and appropriate order was passed vide Office Order (Memo No.321 dated 28.01.2019). A detail statement to this effect has been made by respondent-State in paragraph-11 and 12 of its counter affidavit, which is quoted herein below for needful:

“11. That, it is further humbly submitted that the aforesaid termination was initially challenged by the petitioner before the Hon'ble Supreme Court and thereafter before this Hon'ble High Court by way of CWJC No. 20772 of 2018, wherein the petitioner sought reinstatement along with payment of salary for the period during which she had worked. The said writ petition was disposed of by this Hon'ble Court vide order dated 31.10.2018, wherein the Hon'ble Court was pleased to observe and direct as under:-

The learned counsel for the petitioner submits that the petitioners would be satisfied in case she is granted liberty to file representation before the respondent no. 3 and the respondent no. 3 may be directed to dispose off the representation of the petitioner within a specified time frame.

Accordingly, it is directed that the petitioner shall file a representation before the respondent no. 3 regarding her grievances raised in the writ petition within a period of four weeks from today and the respondent no. 3 is directed to dispose off the same within a period of eight weeks thereafter.

The present writ petition is disposed off on the aforesaid terms.



12. That, it is pertinent to mention that the order dated 31.10.2018 passed by this Hon'ble Court in CWJC No. 20772 of 2018 was duly complied with in its true letter and spirit. In compliance thereof, the petitioner's representation was considered, and vide Office Order (Memo No. 321) dated 28.01.2019, she was granted salary for the period during which she had actually rendered service, as claimed in her representation pursuant to the said order of this Hon'ble Court.

The photocopy of the memo no. 321, dated 28.01.2019 is annexed herewith and marked as Annexure-R/3 to this Counter Affidavit."

4. Learned counsel appearing for respondent-State further submits that a false affidavit has been sworn by the petitioner in paragraph-29 of the writ application, in which it has been stated as follows:

"29. That the petitioner has not moved before this Hon'ble Court earlier for the reliefs sought for in Para-1 of this writ application."

5. He, therefore, submits that the present writ application should be dismissed with heavy cost for making false declaration in paragraph-29 of the writ application.

6. When the learned counsel appearing for the petitioner was confronted with the above situation, learned counsel for the petitioner submits that it was not within his knowledge that the petitioner (his client) had approached this



Court earlier for the same relief and that is why such a disclosure was not given in the writ application.

7. Learned counsel for the petitioner, however, accepts the fact that the petitioner (his client) has given false affidavit by stating in paragraph-29 of the writ application that the petitioner had not moved before this Court earlier for the relief sought for in paragraph-1 of this writ application. Learned counsel for the petitioner, therefore, tenders apology and prays for withdrawing this case.

8. From the submissions made by both the parties, it is clear that the petitioner has indulged in giving a false affidavit in paragraph-29 of the writ application.

9. The Hon'ble Supreme Court in the case of *M/S Sciemed Overseas Inc vs Boc India Limited & Ors.* reported in (2016) 3 SCC 70 had the occasion to examine this issue and observed as follows:

“2. A global search of cases pertaining to the filing of a false affidavit indicates that the number of such cases that are reported has shown an alarming increase in the last fifteen years as compared to the number of such cases prior to that. This is illustrative of the malaise that is slowly but surely creeping in. This “trend” is certainly an unhealthy one that should be strongly discouraged, well before the filing of false affidavits gets to be treated as a routine and



normal affair.

28. In *Suo Motu Proceedings against R. Karuppan, Advocate, In re [Suo Motu Proceedings against R. Karuppan, Advocate, In re, (2001) 5 SCC 289 : 2001 SCC (Cri) 876]* this Court had observed that the sanctity of affidavits filed by parties has to be preserved and protected and at the same time the filing of irresponsible statements without any regard to accuracy has to be discouraged. It was observed by this Court as follows : (SCC p. 293, para 13)

“13. Courts are entrusted with the powers of dispensation and adjudication of justice of the rival claims of the parties besides determining the criminal liability of the offenders for offences committed against the society. The courts are further expected to do justice quickly and impartially not being biased by any extraneous considerations. Justice dispensation system would be wrecked if statutory restrictions are not imposed upon the litigants, who attempt to mislead the court by filing and relying upon false evidence particularly in cases, the adjudication of which is dependent upon the statement of facts. If the result of the proceedings are to be respected, these issues before the courts must be resolved to the extent possible in accordance with the truth. The purity of proceedings of the court cannot be permitted to be sullied by a party on frivolous, vexatious or insufficient grounds or relying



upon false evidence inspired by extraneous considerations or revengeful desire to harass or spite his opponent. Sanctity of the affidavits has to be preserved and protected discouraging the filing of irresponsible statements, without any regard to accuracy.”

29. Similarly, in Muthu Karuppan v. Parithi Ilamvazhuthi [Muthu Karuppan v. Parithi Ilamvazhuthi, (2011) 5 SCC 496 : (2011) 2 SCC (Cri) 709] this Court expressed the view that the filing of a false affidavit should be effectively curbed with a strong hand. It is true that the observation was made in the context of contempt of court proceedings, but the view expressed must be generally endorsed to preserve the purity of judicial proceedings. This is what was said : (SCC p. 501, para 15)

“15. Giving false evidence by filing false affidavit is an evil which must be effectively curbed with a strong hand. Prosecution should be ordered when it is considered expedient in the interest of justice to punish the delinquent, but there must be a prima facie case of ‘deliberate falsehood’ on a matter of substance and the court should be satisfied that there is a reasonable foundation for the charge.”

30. On the material before us and the material considered by the High Court, we are satisfied that the imposition of costs by the High Court was justified. We find no reason to interfere with the impugned judgment and order [BOC India Ltd. v. State of Jharkhand, 2008 SCC OnLine Jhar 279 : (2009) 1 AIR Jhar R 26] . The petition is



dismissed.

31. However, we grant six weeks' time to the petitioner to make the deposit of costs as directed by the High Court with the Jharkhand Legal Services Authority (Jhalsa). On the deposit being made, Jhalsa should forward the amount to BOC India. The matter should be listed in the High Court after eight weeks for compliance.”

10. Also in the case of *Dalip Singh vs State Of U.P. & Ors.* Reported in (2010) 2 SCC 114, the Hon’ble Supreme Court had the occasion to examine the issue of giving false affidavit and in paragraph-7 & 10 held and observed as follows:

“7. In *Prestige Lights Ltd. v. SBI* [(2007) 8 SCC 449] it was held that in exercising power under Article 226 of the Constitution of India the High Court is not just a court of law, but is also a court of equity and a person who invokes the High Court's jurisdiction under Article 226 of the Constitution is duty-bound to place all the facts before the Court without any reservation. If there is suppression of material facts or twisted facts have been placed before the High Court then it will be fully justified in refusing to entertain a petition filed under Article 226 of the Constitution. This Court referred to the judgment of Scrutton, L.J. in *R. v. Kensington Income Tax Commissioners* [(1917) 1 KB 486 (CA)] , and observed: (*Prestige Lights Ltd. case* [(2007) 8 SCC 449] , SCC p. 462, para 35)

In exercising jurisdiction under Article 226 of the Constitution, the High Court will always keep 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, then the Court may dismiss the action without adjudicating the matter on merits. 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.

10. In K.D. Sharma v. SAIL [(2008) 12 SCC 481] the Court held that the jurisdiction of the Supreme Court under Article 32 and of the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary and it is imperative that the petitioner approaching the writ court must come with clean hands and put forward all the facts before the Court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the Court, his petition may be dismissed at the threshold without considering the merits of the claim. The same rule was reiterated in G. Jayashree v. Bhagwandas S. Patel [(2009) 3 SCC 141].”

11. In light of these facts and circumstances, the present writ application is permitted to be dismissed as withdrawn with a cost of Rs.20,000/- on the petitioner, which must be deposited within fifteen days with the Bihar State Legal Services Authority.



12. Writ application is accordingly dismissed as withdrawn. If the cost is not deposited within time, this matter should be listed under the heading ‘To be mentioned’ for securing compliance.

(Alok Kumar Sinha, J)

Prakash Narayan

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