



WEB COPY

W.P.No.3638 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.3638 of 2020
and
WMP.Nos.4275 & 4278 of 2020

V.S.Karunanidhi

... Petitioner

vs

The Registrar I/C,
Annamalai University,
Annamalai Nagar,
Chidambaram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the respondent herein dated 01.06.2015 in RC.No.Estt/C 1-4/12310/2015 and quash and consequently direct the respondent to reinstate the petitioner in service as Junior Assistant in the Respondent University with effect from 27.03.2015 with all attendant benefits and pass orders.

For Petitioner : Mrs.A.L.Ganthimathi
Senior Counsel for
Mr.SA.Kanmani

For Respondents : Mr.S.Venkatesh



ORDER

Heard the learned Senior Counsel appearing on behalf of the petitioner and the learned counsel appearing for the respondent and perused the records.

2. The petitioner by the present writ petition has sought for issuance of writ of mandamus to call for the records relating to the impugned proceedings of the respondent herein dated 01.06.2015 in RC.No.Estt/C 1-4/12310/2015 and quash the same with a consequential direction to the respondent to reinstate the petitioner into service.

3. When the writ petition is taken up for hearing, the learned counsel for the respondent brought to the notice of this Court that the petitioner had approached this Court earlier by filing writ petition *vide* W.P.No.3636 of 2016 seeking the same relief and suppressing the fact of he having approached this Court by the aforesaid writ petition earlier, the present writ petition is filed seeking the same relief once again, thereby resorting to suppression.

4. The learned Senior Counsel appearing on behalf of the petitioner after going through the affidavit submits that there is no mention of



petitioner by approaching this Court earlier by filing writ petition vi W.P.No.3636 of 2016 in the affidavit filed in support of the present writ petition.

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5. The learned Senior Counsel however submits that the petitioner appears to have filed the earlier writ petition through another counsel and that the said fact has not been brought to notice of the learned senior counsel while filing present writ petition.

6. Having regard to the submissions made by the respective counsel, since, the petitioner had approached this Court earlier by filing writ petition vide W.P.No.3636 of 2016 seeking the same relief as sought for in the present writ petition and did not mention the said fact in the affidavit filed in support of the present writ petition, the statement made by the petitioner in the affidavit on oath, of he having not approached this Court for the same relief is an incorrect statement.

7. It is a settled position of law that the party invoking extraordinary jurisdiction of this Court is required to make true and complete disclosure and should not resort to suppression. Since, the petitioner while approaching this Court by filing the present writ petition, has suppressed the fact of he



having filed earlier writ petition *vide* W.P.No.3636 of 2016 seeking the said relief and the said writ petition having been disposed of by this Court during the pendency of the present writ petition on 30.04.2025 and continuing to pursue the present writ petition, without taking steps to withdraw, this Court is of the view that the petitioner approached this Court with unclean hands and is not entitled for being granted any relief.

8. The Hon'ble Supreme Court in the case of ***K.D.Sharma Vs. SAIL [(2008) 12 SCC 481]*** held

“34.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. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the writ court must come with clean hands, 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.”

9. The judgment of *K.D.Sharma (cited supra)* was followed in ***ABCD Vs. Union of India [(2020) 2 SCC 52]***.



10. The Hon'ble Supreme Court in the case of State of Maharashtra

Vs. Digambar [(1995) 4 SCC 683], held that:

“19. Power of the High Court to be exercised under Article 226 of the Constitution, if is discretionary, its exercise must be judicious and reasonable, admits of no controversy. It is for that reason, a person's entitlement for relief from a High Court under Article 226 of the Constitution, be it against the State or anybody else, even if is founded on the allegation of infringement of his legal right, has to necessarily depend upon unblameworthy conduct of the person seeking relief, and the court refuses to grant the discretionary relief to such person in exercise of such power, when he approaches it with unclean hands or blameworthy conduct.”

11. The above judgment of Hon'ble Supreme Court in *Digambar* (cited *supra*) was followed in *ITC Ltd., Vs. Blue Coast Hotels Ltd., [(2018) 15 SCC 99]*.

12. In view of the above, since, the petitioner has suppressed the fact of he having invoked the extraordinary jurisdiction of this Court earlier seeking the same relief as sought for in the present writ petition, this Court is of the view that the petitioner is not entitled for being granted any relief and the present writ petition is liable to be dismissed on the said ground.



13. Accordingly, the writ petition is dismissed with costs

Rs.10,000/-payable by the petitioner to the High Court Legal Services

Committee, Madras High Court within a period of four weeks from the date

of receipt of a copy of this order. Consequently, connected miscellaneous

petitions are closed.

03.03.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh



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To

1. The Registrar I/C,
Annamalai University,
Annamalai Nagar,
Chidambaram.

2. The Member Secretary,
High Court Legal Services Committee,
Madras High Court.



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T. VINOD KUMAR,



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