
(2013) 11 RAJ CK 0053
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3327 of 2008

Balram

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 09-11-2013

Acts Referred:

Citation : (2014) 2 CDR 618 : (2014) 1 RLW 788 : (2014) 1 SCT 737

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Dr. Vineet Kothari, J.—The petitioner, Balram S/o. Deendayal, is alleged to have been appointed vide appointment order dated 07.07.2004 (Annex. 1) as Book-Lifter by the respondent No. 3, Government College Development Committee, Suratgarh, under the S.F.S. Scheme for the Session 2004-05 on a fixed honorarium of Rs. 50/- per day, maximum Rs. 1500/- per month. The photocopy of the purported appointment order has been produced by the petitioner. The petitioner came to this Court aggrieved by Annex. 2 Advertisement issued by the respondents inviting applications for such Book Lifters for the Session 2008-09 on temporary/ad hoc basis for the said session.

2. The petitioner has also filed a representation (Annex. 3) dated NIL to the Principal of the said College that since he was already working as temporary Book Lifter in the said College, he deserves to be regularized and there was no justification for issuing the Advertisement (Annex. 2).

3. A bare perusal of the Annex. 1 order of appointment dated 07.07.2004, the original has not been produced before this court for the reasons best known to the petitioner, shows that there is some interpolation and manipulation made. During the course of arguments, learned counsel for the respondents, Mr. S.S. Ladrecha, produced another photocopy of the same order dated 07.07.2004, in which words are written whereas in the photocopy of the order produced by the

petitioner along with the present writ petition (Page 11 of the paper book) the words appearing are . The word *prima facie*, appears to be written by obliterating the word from and word appears to have been inserted. This makes day and night difference between the meaning of the said appointment order and since the petitioner alone was to be benefited by such change of words, this Court has reason to believe that it is done by the petitioner with a view to mislead this Court though he was appointed on temporary basis as Book Lifter by the respondent No. 3 College.

The two scanned copies of both the orders produced by the petitioner and the respondent, respectively, are made part of this order as follows:-

(1)-Scanned version of Annex. 1 Order dated 07.07.2004 (Page 11 of the paper book produced by the petitioner:

(2)-Scanned version of Order dated 07.07.2004 produced by the learned counsel for the respondent:

4. Such mischievous persons and litigants who come to the Court under Article 226 of the Constitution of India with unclean hands, are not entitled to any equitable relief in writ jurisdiction and for invoking the writ jurisdiction under Article 226 Constitution of India, the litigant could come only with clean hands and does not try to mislead the Court.

5. Therefore, the Court views this interpolation, forgery or insertion of words in the document seriously and is inclined to direct the prosecution of the petitioner for perjury. Since both the documents produced by the petitioner and the learned counsel for the respondents are photocopies, the same are taken note of and there are other differences also in the said order, as the last line in the order produced by the respondent's counsel, Mr. S.S. Ladrecha, is cut out, whereas the same appears in the Annex. 1, produced by the petitioner, therefore, it is a matter of investigation and trial by the competent Court. Therefore, while dismissing the present writ petition, this court directs the Deputy Registrar (Judicial) of this Court to file appropriate complaint in the competent court against the petitioner for perjury in the matter. Copy of this order be sent to the concerned parties forthwith.