
(2002) 11 PAT CK 0013
In the Patna High Court
Case No : L.P.A. No. 1153 of 2002

Lal Rai

APPELLANT

Vs

Bihar State Electricity Board and Others

RESPONDENT

Date of Decision : 01-11-2002

Acts Referred:

Citation : (2002) 3 PLJR 133

Hon'ble Judges : S. Dhavan, C.J;R.N. Prasad, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. This letters patent appeal has been filed against an order of 5 September, 2002 on CWJC No. 9415 of 2002: Sone Lal Rai v. The Bihar State Electricity Board and Ors. The learned judge has declined the relief on the petition for rectification of the date of birth. The learned judge has given reasons why he has not exercised his extraordinary jurisdiction on the writ petition. The reasons are that the record on which a mandamus was sought is tainted, interplotated and fraud. The observations of the learned judge are reproduced:

In the writ jurisdiction the parties are supposed to approach the Court with clean hands, and where from the record it does not appear to be so, I do not think it would be proper exercise of jurisdiction to extend him the benefit of above said decision. This case, in my opinion, has to be decided on facts.

2. This Court can hardly bring itself upon to differ with the learned judge because it has no reason to do so.

3. Before this Court in a statement the matter is being justified that the Petitioner may not have done this forgery. In so far as this aspect is concerned, the learned judge has not identified who arranged it and this will be seen when the complaint is lodged to take care of the forgery, which aspect the learned judge has recommended.

4. The last submission is that in similar circumstances others have gotten away with favourable orders from the High Court. This in itself may be a bad situation. However, if it is so then the suitable action against them will follow with the present one. This Court can hardly resist commenting that there has to be no element of sensitivity that the Petitioner approaches the High Court in its extraordinary writ jurisdiction and expects the discretion of the High Court when he may not have come with clean hands. A petition making material suppression of facts is not one on which this Court is about to issue a writ. The court for its own protection will ensure that the streams of justice are kept pure.

5. Dismissed.