

(2025) 06 RAJ CK 0382

In the Rajasthan High Court, Jaipur Bench

Case No : Special Appeal (Writ) No. 647 Of 2025

Chhote Lal Meena S/O Late Shri Roshan Lal Meena

APPELLANT

Vs

Bhimrao Ambedkar Law University

RESPONDENT

Date of Decision : 06-06-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528

Indian Penal Code, 1860 — Section 419, 420, 465, 467, 468, 471, 120(B)

Rajasthan Public Examination(Measures for Prevention of Unfair Means in Recruitment) Act, 2022 — Section 3, 10

Code of Criminal Procedure, 1973 — Section 482, 173(2)

Citation : (2025) 06 RAJ CK 0382

Hon'ble Judges : Sameer Jain, J

Bench : Division Bench

Advocate : Punit Jangid, Sahil Rajpurohit, Deepak Chauhan, MS Shekhawat, Vinod Sharma, Kanhiya Lal, Mojendra Singh, MF Baig

Final Decision : Dismissed

Judgement

Mukesh Rajpurohit, J

1. The instant D.B. Special Appeal (Writ) is filed by the appellant-petitioner aggrieved and dissatisfied from the order dated 30.05.2025 in S.B Civil Writ Petition No. 3221/2025 passed by the learned Single Judge of this Court.

2. Learned counsel for the appellant-petitioner while relying upon grounds of writ appeal submits that the learned Single Judge without considering the matter on merits has dismissed the writ petition only on preliminary objection. He further submits that by dismissal of writ petition, the petitioner has lost a very important right to redress his grievance from this Hon'ble Court. He also submits that this petitioner has also filed a S.B. Civil Writ Petition No.7243/2025 but the cause of action and relief are different in both the petitions. He submitted that learned Single Judge under the impression that S.B. Civil Writ Petition No.7243/2025 and present S.B. Civil Writ Petition No.3221/2023 were filed with identical and similar

prayer has dismissed the instant writ petition observing that the petitioner has played game of hide and seek. He also submitted that the last date for filling examination form is today and after late fee it is going upto 11.06.2025. He also submits that if the order of learned Single Judge continued then it would ruin the future of the appellant-petitioner. He also submits that to redress the grievance, the petitioner has a constitutional right to invoke jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India but learned Single Judge has failed to appreciate the facts narrated by the petitioner and rather dismissed the petition on technical ground. At last, he submits that his petition be decided today only.

3. Having considering the submissions of learned counsel for the appellant-petitioner, we are considering this Special Appeal (Writ) on merits at the stage of admission and also for an interim relief.

4. The facts of the case in brief are that a S.B. Civil Writ Petition No.3221/2025 is filed by the petitioner with following prayer:-

"(i) Issue a writ order or direction in the nature thereof thereby, the respondents may kindly be directed to double revaluation of answer books of 7 due papers i.e. 1234-Family Law-II (Mohammedan Law), 1235-Law of contract (General Principles and Specific Relief act 1963) of LL.B. First year, 1247-Principles of Taxation Law of LL.B.IInd year and 1251- Law evidence, 1252- Code of Criminal Procedure 1973, 1253-Code of Civil Procedure 1980 and Limitation Act 1963 and 1255-Environment laws of LL.B. IIIrd year by checking each question and declared the revised result of petitioner.

ii) Issue a writ order or direction in the nature thereof thereby, the respondents may kindly be directed to award 12 bonus marks in Paper Labour and Industrial laws of LL.B. IInd year due to one paper is out of syllabus and revised the result of LL.B. IInd year of petitioner.

iii) Issue a writ order or direction in the nature thereof thereby, the respondents may further be directed to award 9 grace marks to the petitioner as per point No.II. (4) of guidelines of Respondent University.

iv) Issue a writ order or direction in the nature thereof thereby, the respondents may also be directed that after double revaluation declared the revised result of petitioner and if any paper remain due then allow the petitioner to appear in the exam of due paper with the supplementary exam of LL.B. third year 2023-2024."

5. After notice, respondent No.1 has filed reply raising preliminary objection wherein submitted that in exercise of power under Section 7 read with Section 5 of the Dr. Bhimrao Ambedkar Law University Jaipur Act, 2019 (hereinafter referred to 'the Act of 2019'), the University has formulated and issued "Guidelines for re-evaluation and guidelines relating to conduct and evaluation of examination for the program of LLB Degree 3 years (Annual Scheme)". The petitioner has not challenged the guidelines as formulated under the authority of

the Act of 2019.

6. On dated 30.05.2025, learned Single Judge has passed following order:-

"1. A preliminary objection has been taken by the counsel for the petitioner with regard to the maintainability of this writ petition under the changed circumstances.

2. Counsel for the petitioner submits that during the pendency of the instant writ petition, the petitioner himself submitted one more petition bearing S.B. Civil Writ Petition No. 7243/2025 before this Court, with regard to identical and similar prayer and the said petition was decided by this Court looking to the limited prayer made by none other than the petitioner himself for disposal of his representation pending before the respondent-University. Counsel submits that considering the aforesaid limited prayer made by the petitioner, the said petition was decided on 09.07.2025. Counsel for the petitioner submits that in pursuance of the aforesaid order, a representation was submitted by the petitioner and the same was considered by the Competent Authority and subsequently final orders would be passed by the Higher Authority, hence under these circumstances, this petition is not maintainable and is liable to be rejected.

3. Considering the above factual aspect of the matter, the petitioner cannot be allowed to play a game like hide and seek with the Court. Once the petitioner approached the Court by way of filing instant petition then there was no need to file successive writ petition with regard to the identical prayer. While passing the order on successive petition, the facts were not disclosed about the pendency of the instant petition before this Court.

4. Looking at such conduct of the petitioner, this Court is not inclined to entertain the instant writ petition and the same is disposed of by granting liberty to the petitioner that in case, any adverse order is passed against the petitioner by the respondent- University, he would be at liberty to assail the same by way of filing a fresh petition.

5. Stay application and all pending application(s), if any, also stand disposed of."

7. A perusal of order dated 30.05.2025 clearly reflect that this petitioner has subsequently filed another S.B. Civil Writ Petition No.7243/2025 but a copy of said writ petition is not placed on record so that this Court can compare the cause of action and prayer clause of both the writ petitions. The petitioner has reproduced prayer of Writ Petition No.7243/2025 in present memo of appeal and we are reproducing same as under:-

"(a) Issue a writ of mandamus directing the Respondents to amend the University's guidelines to provide clarity on grace marks, supplementary examinations and revaluation processes, ensuring compliance with constitutional principles.

(b) Direct the Respondents to allow the petitioner to apply for revaluation of all

due papers from LL.B. First, Second, and Third Years without restriction to four papers.

(c) Direct the respondents to decide the pending representation 21.04.2025 with reason and speaking order after providing opportunity of hearing, before the filing of examination form Ist year and IIIrd Year 2024-25.

(d) Pass any other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case. And for this act of kindness, the petitioner, as in duty bound, shall ever pray."

8. When we compare even the prayer clause of Writ Petition No.3221/2025 and Writ Petition No.7243/2025 then both the relief pertains to the same LLB Course which this petitioner is pursuing before the respondent No.1. It is also evident that after filing of Writ Petition No.3221/2025, a preliminary objection was raised about non-challenge to the guidelines framed by the University. Subsequently, another Writ Petition No.7243/2025 is filed for issuance of writ of mandamus to amend guidelines of University to get relief relating to same examination for which the current writ petition is pending.

9. It is evident that the instant writ petition is filed for re-evaluation of due papers of LLB 1st Year Examination 2021-22, LLB 2nd Year Examination 2022-23 and LLB 3rd Year Examination 2023-24 with additional prayer that in case any paper of the petitioner declared as due then he be allowed to appear in forthcoming examination of due paper of LLB Course.

10. In case of Ramjas Foundation and Anr. Vs. Union of India (Civil Appeal No.6662/2004 order dated 09.10.2010), Hon'ble Supreme Court has observed as under:-

"14. The principle that a person who does not come to the Court with clean hands is not entitled to be heard on the merits of his grievance and, in any case, such person is not entitled to any relief is applicable not only to the petitions filed under Articles 32, 226 and 136 of the Constitution but also to the cases instituted in others courts and judicial forums. The object underlying the principle is that every Court is not only entitled but is duty bound to protect itself from unscrupulous litigants who do not have any respect for truth and who try to pollute the stream of justice by resorting to falsehood or by making misstatement or by suppressing facts which have bearing on adjudication of the issue(s) arising in the case. In Dalglish v. Jarvie 2 Mac. & G. 231, 238, Lord Langdale and Rolfe B. observed: "It is the duty of a party asking for an injunction to bring under the notice of the Court all facts material to the determination of his right to that injunction; and it is no excuse for him to say that he was not aware of the importance of any fact which he has omitted to bring forward. In Castelli v. Cook (1849) 7 Hare, 89, 94 Wigram V.C. stated the rule in the following words: "A plaintiff applying ex parte comes under a contract with the Court that he will state the whole case fully and fairly to the Court. If he fails to do that, and the Court finds, when other party applies to dissolve the injunction,

that any material fact has been suppressed or not properly brought forward, the plaintiff is told the Court will not decide on the merits, and that, as he has broken faith with the Court, the injunction must go." In *Republic of Peru v. Dreyfus Brothers & Company* 55 L.T. 802, 803, Kay J. held as under:

"I have always maintained, and I think it most important to maintain most strictly, the rule that, in ex parte applications to this Court, the utmost good faith must be observed. If there is an important misstatement, speaking for myself, I have never hesitated, and never shall hesitate until the rule is altered, to discharge the order at once, so as to impress upon all persons who are suitors in this Court the importance of dealing in good faith in the Court when ex parte applications are made."

On appeal, Lord Cozens-Hardy M.R. and Warrington L.J. approved the view taken by the Divisional Court. Scrutton L.J. who agreed that the appeal should be dismissed observed:

"and it has been for many years the rule of the Court, and one which it is of the greatest importance to maintain, that when an applicant comes to the Court to obtain relief on an ex parte statement he should make a full and fair disclosure of all the material facts - facts, not law. He must not misstate the law if he can help it - the court is supposed to know the law. But it knows nothing about the facts, and the applicant must state fully and fairly the facts, and the penalty by which the Court enforces that obligation is that if it finds out that the facts have not been fully and fairly stated to it, the Court will set aside any action which it has taken on the faith of the imperfect statement."

15. The above noted rules have been applied by this Court in large number of cases for declining relief to a party whose conduct is blameworthy and who has not approached the Court with clean hands - *Hari Narain v. Badri Das* AIR 1963 SC 1558, *Welcome Hotel v. State of A.P.* (1983) 4 SCC 575, *G. Narayanaswamy Reddy v. Government of Karnataka* (1991) 3 SCC 261, *S.P. Chengalvaraya Naidu v. Jagannath* (1994) 1 SCC 1, *A.V. Papayya Sastry v. Government of A.P.* (2007) 4 SCC 221, *Prestige Lights Limited v. SBI* (2007) 8 SCC 449, *Sunil Poddar v. Union Bank of India* (2008) 2 SCC 326, *K.D. Sharma v. SAIL* (2008) 12 SCC 481, *G. Jayashree v. Bhagwandas S. Patel* (2009) 3 SCC 141 and *Dalip Singh v. State of U.P.* (2010) 2 SCC 114. In the last mentioned judgment, the Court lamented on the increase in the number of cases in which the parties have tried to misuse the process of Court by making false and/or misleading statements or by suppressing the relevant facts or by trying to mislead the Court in passing order in their favour and observed:

"For many centuries Indian society cherished two basic values of life i.e. "satya" (truth) and "ahimsa" (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of the justice-delivery system which was in vogue in the pre-Independence era and the people used to feel proud to tell truth

in the courts irrespective of the consequences. However, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.

In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final. "

11. It is a general principle applicable before a Court of equity that a party must approach the Court with clean hands and it should not conceal material facts from the Court. It means deliberately withholding or hiding information which is relevant to a particular case. The concealment of fact amounts to misleading the Court and it potentially affect the outcome of the proceedings and same can be viewed as form of fraud on the Court.

12. In case of S.P Chengalvaraya Naidu vs Jagannath : (1994) 1 SCC 1, Hon'ble Supreme Court has observed that more often than not, process of the court is being abused. Property-grabbers, tax-evaders, bank-loan-dodgers and other unscrupulous persons from all walks of life find the court-process a convenient lever to retain the illegal-gains indefinitely. While referring observation of Chief Justice Edward Coke of England made about three centuries ago as "Fraud avoids all judicial acts, ecclesiastical or temporal". It is the settled proposition of law that a judgment or decree obtained by playing fraud on the court is a nullity and non est in the eyes of law. This judgment was further relied by a Three Judge Bench of Hon'ble Supreme Court in case of Smriti Madan Kansagra vs. Perry Kansagra : AIR Online 2021 SC 860.

13. After considering the submission and material on record, we are of considered view that learned Single Judge has following options:-

- (i) Dismissal of case without considering the merits,
- (ii) Imposition of heavy cost,
- (iii) Initiating an action treating concealment as an act against the public justice, if permissible under the law; and
- (iv) Debarring the party or the counsel from filing any subsequent petition.

14. Having considered the impugned order dated 30.05.2025, we are of considered view that the matter pertains to concealment of fact as this appellant-petitioner has filed a subsequent Civil Writ Petition No.7243/2025 despite pendency of Civil Writ Petition No.3221/2025. Thus, the learned Single Judge has

rightly dismissed the current petition. There is no ground to consider the submission that the writ petition was not decided on merits.

15. In view of the discussion made hereinabove, the instant D.B. Special Appeal (Writ) is hereby dismissed.

16. Misc. application, if any, stands disposed of.

17. No order as to costs.