

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 4926 of 2003

Ajit Kulshreshtha, Regional Commissioner, Employees Provident Fund
 Organization, R. Block, Road No. 6, Patna

..... Petitioner

Versus

1. State of Jharkhand
2. Mahesh Singh, S/o Late Ram Nath Singh, R/o Saitha, P.O. Saitha, District-
 Bhabhua (Kaimur), Presently posted as Night Guard in the office of District
 Consumer Forum, Ranchi
3. Secretary, Board of Trustee, Bihar State Food & Civil Supplies Corporation
 Ltd. Son Bhawan, Virchand Patel Path, Patna

... Respondents

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner : Mr. Kislaya Prasad, Advocate

For the State : Mr. Amrit Raj Kisku, AC to GA-V

Order No. 20 / Dated : 09.07.2025.

1. Petitioner is aggrieved by the order passed by District Consumer Forum, Ranchi which was upheld by the State Commission, as the appeal preferred by the petitioner was dismissed for being time barred.
2. This writ petition has been filed mainly on the ground that the judgment procured by the respondent no. 2 was by misleading the District Consumer Forum and therefore it is vitiated by fraud.
3. Before entering into the merit of the plea raised in this writ petition, the matter for consideration is- Whether this Court exercising extraordinary writ jurisdiction can adjudicate on the issue of the judgment delivered by the District Consumer Forum to be vitiated by the fraud?
4. It is submitted by the learned counsel that Hon'ble Supreme court has held in *K.D. Sharma V. Steel Authority of India Ltd. & Ors. (2008) 12 SCC 481* that fraud vitiates and unravels the entire proceeding. 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. It is, therefore, of utmost necessity that the petitioner approaching the Writ Court must come with clean hands. If there is no candid disclosure of relevant and material facts, the petitioner is guilty of misleading the Court, his petition may be dismissed at the threshold without considering the merit of the claim.
5. This Court is of the view that a writ petition against order passed by a Court

or Tribunal on the ground that the order was obtained by fraud is not maintainable. Fraud has to be pleaded and proved, and writ courts cannot be the forum for a full-fledged trial on this issue. It has been held in ***State of U.P. v. Pramod Kumar Shukla, (2008) 12 SCC 267*** :

12. Whether there was any fraud practised could not have been decided in the writ petition.

6. Authority relied upon by the petitioner will not apply for the reason that, in the said case as order passed by any competent authority was not under challenge for being vitiated by fraud. It has nowhere been stated in that case that a writ will lie against an order passed by a court or tribunal for being vitiated by fraud.

Writ petition is not maintainable and accordingly stands dismissed.

Pending I.A., if any, stands disposed of.

(Gautam Kumar Choudhary, J.)

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