



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.A. No.1028 of 2025

Pravakar Sahu

....

Appellant

Dr.Binoda Kumar Mishra, Advocate

-versus-

State of Odisha and others

....

Respondents

Mr.Bimbisar Dash, Addl. Government Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

AND

HON'BLE MR.JUSTICE MURAHARI SRI RAMAN

ORDER

13.08.2025

Order No.

01.

1. Recently, a trend has developed in filing the pleadings in a truncated manner percolating a sense in the mind of the judges that the relevant facts have been consciously and deliberately suppressed to achieve the desired destination in circuitous manner which could not be granted, has it been pleaded in a lucid and explicit manner. The instant case is one of such example where the appellant has suppressed the material facts and has approached the Appellate Court posing as highly aggrieved person being the victim of lack of uniformity in extending the justice although the certainty in law is a virtue.

2. It is sought to be contended by the learned counsel for the appellant that the facts which have no bearing and connection with the order impugned in the instant appeal, cannot come within the purview of the suppression of the material facts. In



other words, it is sought to be contended that the challenge in the instant appeal to an order which impliedly did not grant interim reliefs in a manner as expected as the same Single Judge in other matter granted.

3. At the first glance, we were somewhat convinced with the eloquence of the counsel for the appellant and the proposition of law exposed therefrom but subsequently our attention was drawn to the fact that perceiving the interim order impugned in the instant appeal to be inadequate, further steps have been taken by the appellant in the writ petition, wherein an application being I.A.No.11446 of 2025 was taken out. The said Interlocutory Application was disposed of on 14th July, 2025 by the learned Single Judge reiterating and restating the tenet of the order impugned in the instant appeal. The factum of filing the said Interlocutory Application is conspicuously suppressed in the instant writ appeal as we do not find either any reminisce or the existence of such fact in the pleading.

4. On a query from the Bench, it was submitted that said I.A. was filed after filing of instant writ appeal. Be that as it may, such fact could have been brought to the notice of this Court by taking appropriate steps. It is beyond cavil of doubt that the litigant must approach the Court with clean hands. The suppression of the material facts is seriously viewed by the Court and may invite the rejection of the application as the litigant cannot be permitted to abuse or misuse the process of law or should be permitted to achieve the destination with sinister motive by suppressing the material facts.



5. We are conscious of the proposition of law that there is a stark distinction between a suppression of fact and a suppression of material fact. The fact which does not germane to a cause of action or intricately related thereto may not be brought within the ambit of material facts. In other words, the facts which have no nexus to the accrual of the cause of action if not pleaded may not act adversely to the litigant. However, the facts which are important and material having direct or substantial relation to a cause of action if not pleaded, it can be brought within the circumference of a material fact. It would assume importance if the Court finds that had such fact been disclosed, the desired result may not be achieved. There is no fetter on the part of the Court to nip it in the bud of such frivolous litigation. The Court should not encourage the fancy litigation nor should bless such litigant who is guilty of suppressing the material facts and invited the attention of the Court in innocuous manner as if the greatest injustice has been percolated upon such litigant.

6. Reverting back to the factual matrix of the case, the writ petition was filed assailing the action of the authorities in withdrawing the salary of the petitioner after 32 years of service without assigning any reason or violation of the provisions of Odisha Education Act, 1969 and the Rules framed thereunder.

6.1. An Interlocutory Application was also filed obviously to restrain the authorities from withdrawing the salary and the impugned order is suggestive of the fact that the Court intended to hear the other side to peruse the statement of defense with the categorical observation that any decision which has been taken



and challenged in the instant writ petition, shall be subject to the outcome of the writ petition. It is undeniable that I.A.No.10230 of 2025 is still pending as the notices were directed to be issued thereupon.

7. Initially, when the matter was argued on merit, we were of the view that if the Court has decided to keep the Interlocutory Application seeking for an interim order kept pending, the interim protection should not be extended till the disposal of the main proceeding as it runs counter to the spirit and the provisions relating to the Interlocutory Orders to be passed in the main proceeding. But as indicated above, the appellant subsequently filed another application and the same was disposed of by reiterating the impugned order which impliedly percolate the sense of the said order being operative until the same is modified and/or altered by the Court. The subsequent Interlocutory Application affirming or confirming the interim order impugned in the instant appeal if not disclosed to this Court, it will invite two inconsistent and mutually destructive orders to operate, in the event, this Court being an appellate Court interferes with the order dated 23rd June, 2025.

7.1 We failed to appreciate the stand taken by the appellant that the subsequent facts are inconsequential and do not constitute the material facts. As held above, the instant appeal and the Interlocutory Application deserve to be dismissed solely on the ground of suppression of material facts, which we hereby do.

8. With the aforesaid observations and directions, the Writ Appeal stands dismissed with costs assessed to the tune of



Rs.10,000/- (Rupees ten thousand) to be paid by the petitioner to the Orissa High Court Advocates' Welfare Fund, within a period of two weeks from date.

All pending Interlocutory Application (s), if any, are dismissed.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

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Signature Not Verified

Digitally Signed
Signed by: BICHITRANANDA SAHOO
Designation: Secretary
Reason: Authentication
Location: Orissa High Court
Date: 19-Aug-2025 17:34:11

