

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 10227/2011
URN: CW / 17362U / 2011

Ramesh Chand Jatav

-----Petitioner

Versus

State Of Raj And Ors

-----Respondent

For Petitioner(s)	:	Mr. Umang Jain, Adv. for Mr. Rajeev Surana, Sr. Adv.
For Respondent(s)	:	

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

01/07/2026

1. Today, the matter has been listed in the category of "to be mentioned".
2. It is to be noted that the arguments in the present matter were concluded and judgment was reserved on 13.05.2026. However, while examining the record, this Court noticed certain material facts which, prima facie, have a bearing on the adjudication of the present writ petition.
3. Upon perusal of the record, it is revealed that the petitioner had earlier instituted S.B. Civil Writ Petition No.13074/2009 on 09.10.2009 challenging the impugned order dated 07.10.2009, which forms subject matter of the present writ petition. The said writ petition came to be dismissed by the Court vide order dated 22.10.2009. However, the petitioner has neither disclosed the fact of institution or dismissal of the S.B. Civil Writ Petition

No.13074/2009 in the present writ petition or at any stage of the proceedings arising therefrom.

4. The record further discloses that the petitioner, along with one Akhilesh Kumar, had earlier challenged the notice issued by the respondent No.3 dated 03.04.2002, relating to their disengagement by filing separate writ petitions. The writ petition preferred by Akhilesh Kumar (S.B. Civil Writ Petition No.2854/2002) was dismissed with liberty to submit a representation before the respondent No.3 and the writ petition preferred by the present petitioner (S.B. Civil Writ Petition No.2745/2002) came to be dismissed vide order dated 16.01.2009, following the decision rendered in the case of **Akhilesh (supra)**, without extending any such liberty.

5. The petitioner thereafter preferred D.B. Special Appeal Writ No.926/2009 against the order dated 16.01.2009 and during the pendency of the said appeal, the petitioner also instituted Civil Review Petition No.08/2010, which came to be allowed, permitting the petitioner to submit a representation before respondent No.3 and consequent thereto, the D.B. Special Appeal Writ was came to be dismissed as withdrawn on 17.01.2011.

6. It is also borne out from the record that during the interregnum, the respondent No.3 terminated the services of the petitioner vide order dated 07.10.2009. Notably, the review petition was instituted subsequent to the passing of the termination order and by that time, the petitioner had already challenged the said termination order by filing S.B. Civil Writ Petition No.13074/2009, which stood dismissed on 22.10.2009.

Despite this, the petitioner neither disclosed the factum of dismissal of the said writ petition in the review proceedings nor in the present writ petition.

7. The matter assumes greater significance inasmuch as, in paragraph 12 of the present writ petition, the petitioner has categorically averred that no writ petition forming the subject matter of the present petition had previously been filed before the Court. However, upon perusal of the record, it has come to the notice of this Court that the petitioner had in fact instituted S.B. Civil Writ Petition No.13074/2009 on 09.10.2009 challenging the impugned order dated 07.10.2009, which came to be dismissed vide order dated 22.10.2009. Thus, the averment made in paragraph 12 of the writ petition prima facie stands in contrast with the record placed before this Court.

8. The aforesaid non-disclosure relates to material facts having a direct bearing on the adjudication of the present proceedings and such suppression assumes significance, particularly when the petitioner seeks invocation of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. It is well settled that the jurisdiction under Article 226 of the Constitution is discretionary as well as equitable in nature and a litigant invoking such jurisdiction is under a bounden obligation to make a full and fair disclosure of all material facts having a bearing on the controversy. The Hon'ble Apex Court in the case of **Prestige Lights Ltd. v. State Bank of India, (2007) 8 SCC 449**, has categorically held that suppression of material facts before the Writ Court disentitles a litigant from invoking the extraordinary

jurisdiction under Article 226 of the Constitution and the Court may decline to entertain the petition without entering into the merits of the matter.

9. In the aforesaid circumstances, before proceeding further in the matter, it is considered appropriate to afford an opportunity to the petitioner to explain the aforesaid suppression and the incorrect averment made in paragraph 12 of the writ petition. Accordingly, the petitioner is directed to file an additional affidavit explaining the circumstances under which the institution and dismissal of S.B. Civil Writ Petition No.13074/2009 were not disclosed in the present writ petition as well as in the review proceedings and the affidavit shall also explain the correctness of the statement made in paragraph 12 of the writ petition. The affidavit shall be filed on or before the next date of hearing.

10. List the matter after four weeks before the Bench having the appropriate roster.

(ANIL KUMAR UPMAN),J