

Shyam Kumar Shukla and Others

Vs

Union of India and Others

Writ Petition (Civil) No. 1328 of 1989

(S. C. Agarwal, B. C. Ray JJ)

23.04.1991

ORDER

1. We have gone through the writ petition. There is no whisper how and when the petitioners were appointed, what are the terms and conditions of the appointment and in which posts they are appointed. There is also no mentioning in which year they were appointed. Everything is absolutely vague. There is no affirmation at all. It is now well settled that in writ jurisdiction, the writ petition has to be filed, accompanied by an affirmation with regard to the statements made in the writ petition in order to enable the court to be well acquainted with the averments, and in case other side controverts any of the averments made there as not legally well founded, the court can take notice of such things. In this case in the absence of any affidavit, there is nothing to be satisfied about the correctness or incorrectness of the averments made.

2. The advocate on record, Mr D.K. Garg tried to draw our attention on an affirmation attached to the interim application for stay. This affirmation can, under no circumstances, be taken into consideration and cannot be treated as the same affirmation with regard to specific averments made in the writ petition. In that view of the matter, we are unable to consider the writ petition. However, we give an opportunity to the petitioner to file a proper affidavit in support of the averments made in the petition.

3. Let W.P. No. 1328 of 1989 be listed one week after the vacation.

4. This writ petition be de-linked and will appear separately.

(Court Master)

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