

SUPREME COURT OF INDIA

R.K. Singh

Vs.

Union of India (Uoi)

(S Bharucha, G Nanavati and S S Quadri JJ.)

23.04.1999

ORDER

S.P. BHARUCHA, J.

1. The amendment application refers to be alleged non-appointment of four District and Sessions Judges to the High Court at Allahabad. It is stated in para 9B of the proposed amendment:

The appointment of District and Sessions Judges namely Shri..., Shri..., Shri ..., and Shri ..., (names omitted in this order) in the Allahabad High Court for whom there was complete consensus, every formality was completed and nothing could prevent their appointment as High Court Judges has been delayed contrary to this constitutional mandate.

The affidavit supporting the application for the amendment is made by the petitioner as true and correct to his knowledge. We asked learned Counsel for the petitioner on what basis the petitioner had made the statement that there was complete consensus in regard to the appointment of the four District Judges as High Court Judges and every formality had been completed. Learned Counsel's attention was drawn to the affidavit in verification. Learned Counsel's reply was that whenever this and connected matters had been heard in the past, the Attorney General had appeared and this statement had been made by him. He submitted that the petitioner was in the dark, he knew nothing because no access to the relevant files had been given to him. He submitted that we should not look at technicalities and should allow the amendment. He also submitted that we should look at the files.

2. It is not open to a public interest writ petitioner to make averments of facts, purporting to be on personal knowledge, and then ask the court to look at the official records to see if the allegations made, obviously without any basis, are correct.

3. The application for amendment is rejected and the writ petition is dismissed.