



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6359 OF 2026

Paartha Sharathi

... Petitioner

Vs

Competent Authority, Reserve Bank of India & Ors.

... Respondents

Mr. Paartha Sharathi, petitioner appears in person.

Mr. S.U. Kamdar, Senior Advocate a/w. Yashesh Kamdar, Mr. Parag Sharma, Ms. Aditi Phatak, Ms. Megha More i/b. BLAc Co. for respondents.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 24 JUNE, 2026.

P.C.

1. This petition under Article 226 of the Constitution of India has been filed
praying for the following substantive reliefs:

a) Call for the records and quash the tentative order of the Competent Authority dated 03.06.2024.

b) That this Hon'ble Court may be pleased to issue a Writ of Certiorari or any other appropriate order/direction under Article 226 and Article 227 of the Constitution of India to quash or set aside the impugned order of the competent authority dated Nov 22, 2024 and treat the petitioner as though on service with all consequential benefits, including backwages and allowances, perquisites therein.

c) Set aside the letter dated Mar 19, 2025 terminating the authority of the petitioner to occupy leave and license accommodation and subsequent actions on basis of this letter.

d) Ex parte and interim stay for two months only on the eviction of petitioner from the accommodation occupied by him as a result of wrongful dismissal of petitioner.

e) Payment of compensation for violation of fundamental rights."

2. The petitioner appears in person. At the outset, Mr. Kamdar, learned

senior counsel appearing for the respondent-Reserve Bank of India has raised an objection to the maintainability of this petition on the ground that the petitioner has filed this petition suppressing material facts, this more particularly suppressing that the petitioner had approached this Court seeking relief against an order passed against him in the proceedings initiated under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 in Writ Petition No. 6481 of 2025. It is submitted that the said Writ Petition was dismissed by a judgment and order dated 11 June, 2025 passed by the learned Single Judge. It was held that the petitioner would have no legal right to continue to occupy the premises of the Reserve Bank of India, which were allotted to him as a service quarter on termination of his services. The petitioner assailed the orders passed by this Court by approaching the Supreme Court being Special Leave Petition No. 17376 of 2025, which came to be dismissed by the Supreme Court by an order dated 3 July, 2025. Mr. Kamdar would submit that these material facts have been suppressed by the petitioner in invoking the jurisdiction of the Court and more particularly in terms of prayer clause (c), when the relief is sought in respect of service premises. Primarily, we see substance in what has been urged by Mr. Kamdar, as there is complete suppression of those relevant facts, the petition deserves to be dismissed on this count alone. We ought not to grant any indulgence to the petitioner even otherwise in entertaining the present petition. Merely because the petitioner has appeared in person that would not mean and change the mandate of such requirements of law which need to be adhered by every litigant in approaching the Court who invokes the writ jurisdiction, which is

a discretionary and equitable remedy. In the context of suppression of material facts, a Division Bench of this Court of which one of us (G. S. Kulkarni, J.) was a member in **Rabindra Nath Kakar & Ors. Vs. Union of India & Ors.**¹, considering the principles of *suppressio veri* and *suggestio falsi* and referring to the decision in *Arunima Baruah v. Union of India*², in regard to the litigant approaching the writ Court suppressing the material facts, has made the following observations:

22. ...

The petition is therefore, clearly hit by the principles of *suppressio veri* and *suggestio falsi* and more particularly when the petitioners had approached this Court invoking the public interest jurisdiction. No litigant however placed is permitted to take such liberties and seek discretionary and equitable reliefs invoking jurisdiction of this Court under Article 226 by suppressing material facts. The Court would certainly not interfere to grant any relief whatsoever when the litigant approaches the Court with dirty pair of hands. The principles in this regard are well settled. Hence in our view this is a fit case where the Court would refuse to exercise its discretionary jurisdiction. In this context we may usefully refer to the decision of the Supreme Court in *Arunima Baruah v. Union of India*, (2007) 6 SCC 120. Mr. Justice S.B. Sinha speaking for the Bench in paragraph 12 of the report observed as under:

“12. It is trite law that so as to enable the Court to refuse to exercise its discretionary jurisdiction suppression must be of material fact. What would be a material fact, suppression whereof would disentitle the appellant to obtain a discretionary relief, would depend upon the facts and circumstances of each case. Material fact would mean material for the purpose of determination of the lis, the logical corollary whereof would be that whether the same was material for grant or denial of the relief. If the fact suppressed is not material for determination of the lis between the parties, the Court may not refuse to exercise its discretionary jurisdiction. It is also trite that a person invoking the discretionary jurisdiction of the Court cannot be allowed to approach it with a pair of dirty hands. But even if the said dirt is removed and the hands become clean, whether the relief would still be denied is the question.”

3. Insofar as the grievance of the petitioner in regard to the termination of his service by an order dated 22 November, 2024 is concerned, we find from the

1 2021 (4) Mh.L.J. 628

2 (2007) 6 SCC 120

Reserve Bank of India (Staff) Regulations, 1948 as pointed out to us by Mr. Kamdar, Regulation 48 provides that an employee shall have a right of appeal against any order passed by a superior authority which injuriously affects his/her interests. The petitioner's case from the petition appears to be that the impugned order injuriously affects the petitioner's interest. Regulation 49 provides for the Appellate Authorities. We, thus, find that there is an alternate remedy as provided to the petitioner to approach the Appellate Authority to ventilate his grievance in regard to the order terminating his services as passed against him. The petitioner needs to accordingly take recourse to such remedy. This also for the reason that the appellate proceedings would involve disputed questions of facts to be gone into which can be effectively delved by the Appellate Authority.

4. In this view of the matter, we are not inclined to entertain this petition. It is accordingly dismissed, however, keeping it open to the petitioner to approach the Appellate authority. In the event, the petitioner approaches the Appellate Authority within a period of four weeks from today, the proceedings can be considered on its own merits on the ground that the petitioner was pursuing this petition although not fully bona fide.

5. At this stage, the petitioner contends that he be allowed to retain the service accommodation for a further period, the same is opposed by Mr. Kamdar, in submitting that the Court needs to consider the peculiar facts and circumstances of the case, as well as the repeated undertakings in this regard, furnished by the petitioner to the Reserve Bank of India being breached. It is

submitted that also the petitioner's insistence to retain the premises cannot be granted in view of the dismissal of the SLP by the Supreme Court. Mr. Kamdar has several contentions in such context, including to state that complaints are received from the occupants of the adjoining tenements / flats of a stink / smell coming from the petitioner's premises. Mr. Kamdar submits that the petitioner is not permitting inspection of the premises. He submits that it would be appropriate for the RBI to verify the factual position in regard to the premises and ascertain the cause of the several complaints. Responding to this, the petitioner submits that he has an ailing mother and there are some hygiene issues because of which this stink / smell is generated. We are really surprised at this. Considering the overall circumstances and as to what is in reality the position inside the flat, we permit a Lady Medical Officer to be appointed by the RBI to visit the premises along with the representative of the RBI so as to ascertain the situation as asserted by the petitioner. Let this be undertaken in the afternoon. We accordingly post the present proceedings at 5 p.m. The petitioner shall provide access of the premises to the Lady Medical Officer and the representative of the RBI, who be provided assistance of a lady constable in civil dress. We record that we have accepted this request as made by Mr. Kamdar's considering the fact that the sole ground on which the petitioner intends to continue in the premises is of the ill health of his mother, which Mr. Kamdar would dispute and would contend that it is no ground for the petitioner to retain the premises and that too so long after dismissal of his service.

6. When the proceedings on the aforesaid issues were brought discussed, the petitioner has created a lot of ruckus in the Court. He has brazenly misused his liberty to appear as a party in person. No litigant can be permitted to misbehave in the Court which in fact would amount to interference in the administration of justice. The petitioner, however, appears to have indulged in this quite sensibly, as after the aforesaid order was passed, the petitioner has attempted to obstruct the proceedings by a novel method, raising a peculiar contention that one of us (G. S. Kulkarni, J.) had, in the past, appeared as a counsel for the RBI, hence, the present Bench ought to recuse itself from hearing the matter. Such contention by no standard is acceptable, and if accepted to be any norm, it would be impossible for any judge who has appeared for the Government or public bodies when at the Bar to take up any matter involving the Government or public bodies. We, accordingly reject the said contention considering the settled principles of law.

Later on (in the second session at 5.00 p.m.):

7. The petitioner states that, since he was not available at the premises, the door was not opened by the persons who were inside the premises, whom he states to be his father, who is looking after his mother. It clearly appears that the petitioner had given such instructions contrary to the Court orders and/or defeating them. Thus, the representatives of the RBI, along with the doctor who was required to verify the prevailing conditions and report the same to the Court, could not verify the position. An email to that effect from the officials of the RBI has been addressed. The petitioner has stated that, at 3.00 p.m. tomorrow, access to the flat would be provided to the officials of the RBI for inspection. Statement

of the petitioner is accepted. The medical condition of the petitioner's mother can also be examined by a lady doctor deputed by the RBI, who shall attend the inspection. The respondents / RBI are at liberty to move the Court and inform the Court of any urgent concerns, if any, which may arise or as a consequence of the inspection exercise including orders to break open the door if the petitioner is not cooperating or flouting the orders of the Court.

8. Mr. Kamdar has requested that the Officer-in-Charge of the local police station provide the assistance of a lady constable in civil dress. Let the same be provided.

9. We adjourn the proceedings to tomorrow i.e., **25 June 2026**, at 11.00 a.m. accepting the request as made by the petitioner that he shall place on record an undertaking that he will unconditionally vacate the official quarters provided to him by the RBI by 9 July 2026.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)