A.P. State Road Transport Corpn. & Anr vs Sri Satyanarayana Transports Pvt. Ltd. ... on 5 October, 1964

Equivalent citations: AIR 1965 SUPREME COURT 1303

Bench: K.N. Wanchoo, M. Hidayatullah, R. Dayal

CASE NO.:
Appeal (civil) 382-386 of 1962

PETITIONER:
A.P. STATE ROAD TRANSPORT CORPN. & ANR.

RESPONDENT:
SRI SATYANARAYANA TRANSPORTS PVT. LTD. GUNTUR & ORS.

DATE OF JUDGMENT: 05/10/1964

BENCH:
P.B. GAJENDRAGADKAR (CJ) & K.N. WANCHOO & M. HIDAYATULLAH & R. DAYAL & J.R. MUDHOLKAR

JUDGMENT:

JUDGMENT 1965 AIR(SC) 1303 The Judgment was delivered by :

GAJENDRAGADKAR, C. J. : These five appeals arise out of five writ petitions filed by the respective respondents in the Andhra Pradesh High Court against the Andhra Pradesh State Road Transport Corporation, and the State of Andhra Pradesh, appellants 1 and 2, challenging the validity of the orders passed by appellant No. 2 under S. 68D(2) of the Motor Vehicles Act (No. 1 of 1939) (hereinafter called the Act) on the 18th October, 1960 approving schemes for the nationalisation of bus transport in the area of Guntur. It appears that appellant No. 1 published in the Andhra Pradesh Gazette on the 26th May, 1960 ten schemes in respect of the area of Guntur for the purpose of taking over that road transport services from private operators under Chapter IVA of the Act. Objections were then called for from persons affected by the schemes, and the then Minister in charge of Transport Mr. S. P. B. Pattalhi Rama Rao, heard the said objections and ultimately approved the schemes with certain minor modifications on the 18th October, 1960. In the result, he ordered that the schemes should come into force on the dates specified in the Government Orders. These schemes were duly notified under G. O. Ms. Nos. 2230 to 2239 in the Andhra Pradesh Gazette (Extraordinary) dated 27th October, 1960. It is against the order passed by the Minister on the 18th October, 1960 that the five writ petitions were directed.

2. In their writ petitions, the respondents challenged the validity of the impugned order on serveral grounds. They urged that the initial publication of the proposed schemes under S. 68C was invalid, because they failed to give particulars as to the dates on which the respective schemes would be put into force. According to the respondents, failure to notify the said dates had virtually deprived them of adequate opportunity to file their objections. It was also contended by them that the impugned order empowered the Chief Executive Officer to carry out the schemes piecemeal, and that rendered the order invalid. Certain other contentions were also raised. All these contentions were rejected by the High Court and in normal course, the writ petitions would have been dismissed.

3. But, in one of the writ petitions No. 868 of 1960, a further contention had been raised against the validity of the impugned order. It was alleged that the conduct of the State Government in approving the schemes amounted to colourable exercise of its power under the Act inasmuch as the Minister in charge of the portfolio of Transport had a personal bias against Mr. Thummala Ramakotaiah, one of the petitioners in the said writ petition. The case thus presented by the petition raised a serious argument about the bias of the Minister; and on this point, affidavits were filed in support of the petition, and the Minister in question filed counter-affidavits in reply. The High Court examined this plea and came to the conclusion that it had been satisfactorily established that at the time when the Minister heard the objections filed by the respondents against the proposed notified schemes, he was actuated by bias; and in that view, the High Court has set aside the impugned order. The High Court did hold that Ramakotaiah, one of the petitioners in W. P. No. 868/1960 had not taken this objection before the Minister when he dealt with the relevant schemes under S. 68D (2); and that, in the opinion of the High Court, precluded the petitioners in the said writ petition from taking the plea about the bias of the Minister so far as their writ petition was concerned. However, once the bias was held proved, in law it followed that the order passed by the Minister was incompetent, because the presence of the bias in his mind disqualified him from hearing the objections against the proposed notified schemes. In that view of the matter, in the result, it made no. difference to the petitioners in W. P. No. 868/ 1960 because the whole of the impugned order was set aside. It is against the orders thus passed by the High Court in the five writ petitions that the appellants have come to this Court with certificates granted by the High Court; and so, the narrow question which falls to be determined in these appeals is whether the High Court is right in coming to the conclusion that the Minister who dealt with the ten schemes under S. 68D (2) of the Act was incompetent to deal with them because he had a personal bias in the matter.

4. Before dealing with this point, it is necessary to set out the material facts on which the plea of bias was based. These facts centre round the attempt alleged to have been made by the Minister to get the assistance of Ramakotaiah in the matter of the election of the Election Committee of the Andhra Pradesh Congress Committee which had been fixed for the 28th August, 1960. At the relevant time, the Council of Ministers in the State of Andhra Pradesh was divided into two hostile groups. One group was known as the power group or the Ministerial group, and the other group in opposition was known as the United Front group. The Minister in charge of Transport, who will be described hereafter as the Minister, was one of the leading members of the power group. In fact, he was one of the candidates who contested a seat on the Election Committee. As often happens, in view of the keen rivalry between the two groups, before the date of the election arrived, both camps had begun extensive canvassing activity. The petitioner company in W. P. No. 868 of 1960 is known as Sri

Satyanarayana Transport (Private) Ltd., Guntur, and Ramakotaiah is its Managing Director. The case for this company was that its shareholders are influential persons. In fact, Ramakotaiah himself was the Vice-Chairman of Narasaraopet Municipality and also member of the Senate of Sri Venkateswara University at Tirupathi. Ramakotaiah knew intimately five persons who were members of the Andhra Pradesh Congress Committee; they are, Ravipati Anjaneyulu, Nooti Venkateswarulu, Kapalavayi Kasi Rama Rao, Basivi Reddi, and Bhuvanam Koti Reddi; and the substance of the charge against the Minister is that he wanted Ramakotaiah to persuade his five friends to vote for him and the members of his group at the forthcoming election. Ramakotaiah tried to help the Minister, but failed; and that made the Minister very angry with him. In fact, when the Minister learnt from Ramakotaiah that he had not succeeded in persuading his five friends to vote for him, he was told by the Minister that the consequences of his failure would be unpallatable to him. It is in this angry frame of mind that the Minister heard the objections filed by the respective transport operators and decided the matter against Ramakotaiah's Company. That, in brief, is the nature of the story set out by Ramakotaiah in support of his plea that the Minister had a bias against him, and was, therefore, disqualified from dealing with the ten schemes under S. 68D (2) of the Act.

5. The details of the story thus set up by Ramakotaiah must now be mentioned. The schemes of nationalisation were published on the 26th May, 1960 and notices in pursuance of them were issued a few days before the date fixed for the election of the Election Committee. The date fixed for hearing the objections was 3rd September, 1960, and Ramakotaiah in fact received notice of the said date of hearing on the 15th August, 1960.

6. On the 16th August, one Sakamari Bhujaiah, who is a distant relation of the Minister, met the Minister, and the Minister told Bhujaiah to contact Ramakotaiah and ask him to meet the Minister. On the 18th August, Bhujaiah communicated this message to Ramakotaiah. On the 19th August, Ramakotaiah booked a trunk call to the Minister at Hyderabad and talked to him on the telephone. The Minister asked Ramakotaiah to meet him at Hyderabad. On the 26th August, Ramakotaiah met the Minister, and the Minister pressed him to persuade his five friends to vote for him and his party. Ramakotaiah then met his friends on the 26th and the 27th August, but could not persuade them to accept the request of the Minister. They had already committed themselves to the United Front and they were not prepared to change their mind. Ramakotaiah informed the Minister about his inability to carry out his mission. Then the Elections followed on the 28th August and the Minister was defeated at the said elections. Thereafter, the Minister heard the objections on the 3rd September and passed the impugned order on the 18th October, 1960.

7. Shortly stated, the effect of the modifications made by the Minister in the ten schemes as they had been serially printed as the proposed schemes in the Gazette, was that scheme No. 1 became 7, No. 2 became No. 8, No. 3 became No. 9, No. 4 became No. 1, No. 5 became No. 2, No. 6 retained its place, No. 7 became No. 4, No. 8 became No. 3, No. 9 became No. 5, and No. 10 retained its place. The three schemes in which Ramakotaiah's Company was concerned were Nos. 4, 7 and 9 and all these have been promoted to earlier places. According to Ramakotaiah, this has been deliberately done with a view to cause grave financial loss to his Company.

8. One of the arguments which was urged on behalf of Ramakotaiah's Company was that the serial order in which the ten schemes were originally published in the Government Gazette under S. 68C, indicated that the schemes would be brought into-force in the same serial order, and it was suggested that the departure from the serial order and the radical shifting of the places assigned to the schemes in which Ramakotaiah's Company was concerned, was malicious and was intended to hurt the Company's financial interest. In fact, the change of order in the schemes effected by the Minister's order was itself challenged on the ground that it contravened Art. 14 of the Constitution. This plea has been rejected by the High Court. The High Court has found that the relevant provisions of the Act commencing with S. 68C and ending with S. 68F do not show that the serial numbers assigned in the proposed schemes published under S. 68C are intended to be invariably adopted in the final order passed under S. 68D. The numbers assigned to the schemes are meant only for convenience and they show that the whole scheme of nationalisation would be brought into force in phases; that is about all. Therefore, the grievance made by the parties that the change of the numbers itself amounted to discrimination under Art. 14, was rejected; and so, we must proceed to deal with the present appeals on the basis that it was competent to the Minister to change the numbers of the schemes and to decide which of the schemes should come in what order.

9. The position in law in regard to the plea of bias raised against the Minister is not in doubt. It is clear that when the Minister heard the objections to the proposed schemes under S. 68D (2), he was dealing with the matter in a quasi-judicial manner and his inquiry had to conform to the principles of natural justice. It is an elementary rule of natural justice that a person who tries a cause should be able to deal with the matter before him objectively, fairly, and impartially. As has been observed in the Jewitt's Dictionary of English Law, "anything which tends or may be regarded as tending to cause such a person to decide a case otherwise than on evidence must be held to be biased"

> . If a person has a pecuniary interest in the case brought before him, that is an obvious case of bias which disqualifies him to try the cause. If a person is hostile to a party whose cause he is called upon to try, that again would introduce the infirmity of bias and could disqualify him from trying the cause. In dealing with cases of bias, it is necessary to remember that "no one can act in a judicial capacity if his previous conduct gives round for believing that he cannot act with an open mind"

. The broad principle which is universally accepted is that a person trying a cause even in quasi-judicial proceedings, must not only act fairly, but must be able to act above suspicion of unfairness. As was observed in Franklin v. Minister of Town and Country Planning, [1947] K.B. 702, "the use of the word 'bias should be confined to its sphere. Its proper significance is to denote a departure from the standard of evenhanded justice which the law requires from those who occupy judicial office or those who are commonly regarded as holding a quasi-judicial office, such as an arbitrator. The reason for this clearly is that having to adjudicate as between two or more parties, he must come to his adjudication or bias towards one side or the other in dispute"

> . That being the true position in law about personal bias, there would be no. difficulty in holding that the Minister would be disqualified from hearing objections raised by the respective bus operators against the ten schemes if the material facts alleged by

Ramakotaiah are held proved. It cannot be disputed that if the Minister had asked Ramakotaiah to help him in his election to the Election Committee of the Andhra Pradesh Congress Committee and when he was told that Ramakotaiah was unable to help him, he threatened him with dire consequences, that clearly would introduce a serious infirmity in the impugned order which the Minister passed under S. 68D (2).

10. It is true that Ramakotaiah did not raise this objection at the time when the Minister took up the proceedings under S. 68D (2). He has, however, tried to explain his conduct by saying that he did not suspect that the Minister would really carry out his threat, and so, he hoped that no. injustice would be done to him. Besides, he thought that it would be unwise to raise the objection, as he apprehended that the objection would be over-ruled and the Minister would definitely decide against him. This explanation is not satisfactory; and so, in dealing with the present appeal, it would be necessary to bear in mind the initial infirmity in Ramakotaiah's case arising from the fact that he did not take the objection at the proper stage. In fact, the High Court has held, and we think rightly, that if the controversy had been confined to the case of Ramakotaiah, he would have been precluded from raising the said contention in the writ proceedings. But we cannot overlook the fact that if Ramkotaiah's allegations are held proved, that would inevitably create a serious infirmity in the impugned order, because then the impugned order would naturally become invalid inasmuch as it was passed by a person who by his bias had been disqualified from trying the cause. It is hardly necessary to emphasise that the elementary rule of natural justice that a person trying a cause, though in a quasi-judicial proceeding, should not suffer from a personal bias, is of such great significance that its application cannot be controlled by considerations which are confined to Ramakotaiah and would have no. relevance in regard to the complaints raised by the respondents in challenging the validity of the impugned order. That is why we think it necessary to examine the question as to whether Ramakotaiah has proved his case about bias against the Minister.

11. The question thus raised for our decision lies within a very narrow compass. Both parties have filed affidavits in support of their respective contentions, and the ultimate decision would inevitaibly depend upon the question as to which of the affidavits deserve to be believed. The High Court has held that the affidavits filed on behalf of Ramakotaiah are satisfactory, and the replies given by the Minister on material points of dispute are evasive and unsatisfactory. The question thus is one of appreciating affidavit-evidence; and normally, this Court would be relunctant to interfere with the findings of fact recorded by the High Court on such affidavit evidence. But the High Court itself has given a certificate to the appellants, and that shows that the High Court thought it necessary in the interests of justice that the appellants should be given a chance to vindicate their position before us. Where, as in the present case, the result of the finding of fact as to bias affects the status of a person holding a high public office in the discharge of his duties as a quasi-judicial tribunal, the question about his bias needs to be carefully examined before an adverse verdict is pronounced against him; and the High Court must have thought that in fairness, the Minister should have a chance to challenge the correctnes of its conclusion before us. That persumably is the reason why the High Court has granted a certificate to the appellants to bring these appeals before this Court.

12. In dealing with this question, certain general considerations deserve to be borne in mind. It is not unlikely that a person who has lost his cause before a quasi-judicial tribunal, may feel frustrated

and angry and may make allegations about bias in a casual or irresponsible way, it is not unknown that when suitors lose their causes either in Courts or before quasijudicial tribunals they are unable or unwilling to see the correctness of the verdit and are apt to attribute the said verdit to a bias in the mind of the Judge or the Tribunal. The transport business involves considerations of large financial profit and if an operator finds that the introduction of the scheme of nationalisation hits his trade or business very badly, he may in his frustration adopt the desperate course of making a serious allegation of bias against the Minister who sanctions the scheme of nationalisation. That is one aspect of the matter which cannot be overlooked in dealing with cases of this kind.

13. On the probabilities, it may also be said in favour of the appellants that a person holding the high position of a Minister in a State is not likely to adopt the course which has been attributed to the Minister in the present case. It is argued by the learned Solicitor-General that the case made out against the Minister by Ramakotaiah is too crude to be true. Why should the Minister have gone to Ramakotaiah to ask for his help and if Ramakotaiah was not able to help him, why should the Minister hold out a threat against Ramakotaiah, asked the learned Solicitor-General on behalf of the Minister. Prima facie, there is some force in this contention.

14. On the other hand, when very large discretionary powers are vested in the Minister to deal with the problem of introducing nationalisation of transport, it is not impossible that he may be subconsciously influenced by considerations of bias if such a bias is held proved against him. In a struggle for political power which was obviously going on between the two wings of the Council of Ministers in Andhra Pradesh at the relevant time, it is again not unlikely that everyone of the important members of the two groups would try his utmost to collect as much support as he could in the cause of his group. It is well-known that when a person enters the arena of political elections, he cannot afford to stand on his own dignity or status and must stoop to conquer, and that means anyone who can bring votes assumes importance at the time of election contests. The evidence on the record clearly shows that the rivalry between the two opposing groups had reached such a stage that it would not be unreasonable to assume that canvassing for votes was proceeding apace on a very large scale. That is the background in the light of which the relevant allegations made by the parties have to be judged.

15. We ought, however, to add that in the light of the general considerations which we have set out, it is of utmost importance that in appreciating evidence, the Court ought to adopt a very cautious, circumspect, and careful approach. If the evidence led by the parties in such a case is tested by cross-examination, it would be easier lo determine where truth lies. But in the absence of cross-examination, appreciating the effect of competing affidavits is not an easy matter. In such a case, the Court must always enquire on which side the probabilities lie and must scrutinse the affidavits very critically to determine which of them deserves to be believed. Naturally, in dealing with such a question of fact in appeal, we are normally inclined to attach importance to the findings of fact recorded by the High Court itself.

16. Let us then proceed to deal with some of the salient points disclosed by the story set up by Ramakotaiah and see how the rival versions are brought before the Court and what forms the affidavits have taken to support them. In the present case, Ramakotaiah has made the main

affidavits in support of the plea of bias, and the Minister has filed two, affidavits filed on the side of Ramakotaiah in support of the several points made by him in charging the Minister with bias. It is all these affidavits which have to be taken into account in dealing with the main issue of bias. First in point of significance is the allegation made by Ramakotiah that he was told by Bhujaiah to meet the Minister. This happened on the 18th August, 1960. Bhujaiah had met the Minister at Hyderabad on the 16th August, and as desired by the latter, he saw Ramakotaiah at Narasaraopet in Guntur District. Ramakotaiah's version is that Bhujaiah was a relation of the Minister and had gone to see him with regard to the admission of his eldest son in the Kakinada Medical College. Bhujaiah had stated that he had paid a donation of Rs. 7, 020 to the said College on the advice of the Minister with a view to secure admission for his son. It was in that connection that he met the Minister on the 16th August.

17. In regard to this part of the story, two questions assume significance. Was Bhujaiah related, though in a distant way, to the Minister or not; and could Bhujaiah have seen the Minister for the reason set out by him? Bhujaiah appears to be a person of substance and there is no. allegation made by the Minister that he was hostile to him, or had any other reason for which he should make a false affidavit against him in the present proceedings. Bhujaiah states his relationship in a somewhat involved manner :

> "My aunt's brother-in-law and the Hon'ble Minister married daughters of brothers"

, said Bhujaiah in his affidavit. The same relationship was stated by Ramakotiah in similarly involved words. But these statements go to mean that the Minister's wife's cousin's husband was Bhujaiah's uncle. It is no. doubt a distant relationship. But the point on which the High Court has commented is the manner in which the Minister has chosen to deny this allegation. In his first affidavit made on the 12th December, 1960, the Minister stated that he did not even know Bhujaiah; and when the relationship was brought out in an additional affidavit, he made a further affidavit on the 10th January, 1961 and stated that he was not in a position to accept or deny the relationship mentioned by Bhujaiah. The affidavit of the Minister further added that "the relationship even as mentioned by him, is so very remote and far- fetched, namely, that my wife's father's brother's daughter's husband is the brother-in-law of Bhujaiah's aunt. Whether it is paternal or maternal aunt is not stated or known"

> . It is remarkable that while making the plea that the relationship is very distant, the Minister did not choose to make a positive averment that Bhujaiah was not related to him in any manner. If the relationship claimed by Bhujaiah was through the Minister's wife, it would not have been difficult for the Minister to ascertain from his wife or her relations whether Bhujaiah bore any relationship with his wife or not. In a case where a serious allegation was made against him, the Minister should have made appropriate enquiries and should have challenged Bhujaiah's statement in a more categorical way. Besides, though the relationship may be distant, it is not easy to accept the Minister's version that he was not in a position either to deny or accept the said relationship. That statement does sound evasive. That is the view taken by the High Court and we see no. reason to differ from it.

18. Then, as to the reason why Bhujaiah met the Minister at Hyderabad, the denial of the Minister has taken a somewhat technical form. The Minister has stated that he was not in charge of Medical Colleges or admissions thereto as Education Minister, that he had nothing to do with the Medical College, that it was not his portfolio, and so, it was suggested that Bhujaiah could not have seen him. Now, the allegation made by Bhujaiah in that behalf was specific and it seems to us that it is not an adequate answer to say that Bhujaiah could not have seen the Minister, because the Minister was not in charge of the portfolio in relation to the Medical College. If Bhujaiah was a relation of the Minister and was keen on obtaining admission for his son in the Kakinada Medical College and in fact had paid Rs. 7, 020 as donation, it does not appear at all unlikely that he had met the Minister in the hope that the Minister may be able to help him in that behalf. Thus, two relevant facts in regard to the first significant allegation made by Ramakotaiah appear to be established, and the denial made by the Minister in respect of them does not strike one as satisfactory.

19. The next important stage in the story set out by Ramakkotaiah is in regard to the trunk call made by him to the Minister on the 19th August. In respect of this allegation also, the attitude adopted by the Minister in making his counter-affidavits, is far from satisfactory. The first counter- affidavit purported to deny the entire story of the trunk call. Then, Ramakotaiah produced a bill in regard to the said trunk call. The bill shows that a trunk call had been made on the 19th August, the booking time of the call was 6.27 A.M. and the connecting time was 7.23 A.M. The call was PP call, the person being the Minister himself, and the duration of the call was three minutes. It was suggested by the Minister that the trunk call may have been made not by Ramakotaiah, but by one or the other of the partners of the firm. This has been effectively met by the affidavit produced by Ramakotaiah which show that at the relevant time, Ramakotaiah alone could have made the trunk call.

20. Then, it was stated by the Minister that the fact that a trunk call was booked to his number, does not mean that Ramakotaiah talked to the Minister himself. It may be, it was suggested on behalf of the Minister, that Ramakotaiah may have talked to his Personal Assistant. As we have just indicated, the trunk call was connected at 7.23 A. M. and if the Minister's case was that either his Personal Assistant or somebody else in the family had received the trunk call and he did not know anything about it, it would not have been difficult for the Minister to produce an affidavit of his Personal Assistant or anyone else who received the said trunk call. To say that a Minister receives so many trunk calls everyday that it was not possible for him to make a specific denial, did not appear to the High Court to be a satisfactory way of dealing with the allegation made by Ramakotaiah, and we are in agreement with the view taken by the High Court, it appears that out of the seven shareholders of the respondent Company, Ramakotaiah alone was a permanent resident of Narasaraopet; and it seems to us extremely unlikely that he could have booked a trunk call to the Minister's number at Hyderaabad if he did not intend to talk to the Minister himself. In fact, the call lasted for three minutes and there must have been some conversation between the two parties connected by the trunk call. Since the affidavit made by the Ministers in regard to this fact is not very satisfactory, it must be held that the proof that a trunk call was booked by Ramakotaiah to the Minister's number corroborates his story to that extent.

21. The next question to consider is : did Ramkotaiah see the Minister on the 26th August at Hyderabad ? The fact that Ramakotaiah came to Hyderabad on the 26th August is supported by the

affidavits of five persons, viz., Anjaneyulu, Venkateshwarulu, Kasi Rama Rao, Basivi Reddi and Adinarayana. The Minister has denied that Ramakotaiah saw him on the 26th August, 1960; but Ramakotaiah's version is supported by the affidavit of Adinarayana who has stated that on that date, he had been waiting in the Minister's room to meet him in connection with the Congress Elections. At that time, he saw Ramakotaiah and the Minister coming out of the Minister's room. The main argument which has been urged before us in respect of this part of Ramakotaiah's story is that it is extremely improbable that Ramakotaiah should have postponed meeting the Minister until the 26th August when he got the Minister's message from Bhujaiah on the 18th August and in fact, when he had talked to the Minister on the 19th August, Ramakotaiah says that the Minister had told him on the telephone to meet him at Hyderabad for a personal talk in respect of elections. If that is so, why should Ramakotaiah have delayed meeting the Minister until the 26th August ? The obvious answer to this criticism, however, is that the election was to take place on the 28th August, and members of the A.P. Congress Committee who were scattered all over Andhra Pradesh were not expected to gather for the meeting until the 26th August. In fact, as we will presently point out, after Ramakotaiah met the Minister, he tried to persuade his five friends to vote for the Minister and met them in that connection on the 26th and 27th August. It is well-known that when members meet on the eve of an election, intensive canvassing goes on on a very large scale; and so, if Ramakotaiah thought that no. useful purpose would be served by meeting the Minister earlier than the 26th August, it cannot be said that his conduct is so improbable as to render the rest of his story unbelievable. Besides, as we have just indicated, Ramakotaiah is shown to have met the Minister on the 26th August and that has its own significance.

22. That takes us to the next stage in the story which relates to the efforts made by Ramakotaiah to secure votes for the Minister from his five friends whom we have already mentioned. This part of Ramakotaiah's story is based on his own affidavits and the affidavits made by Anjaneyulu, Venkateshwarulu, Kasi Rama Rao and Basivi Reddi. All these four persons were admittedly members of the Andhra Pradesh Congress Committee at the relevant time, and they all refer to the talk they had with Ramakotaiah in the Royal Hotel. The statements made by them corroborate each other and support, in the main, the account given by Ramakotaiah. It is true that these affidavits do not disclose that Ramakothiah had told them that he had been requested by the Minister to seek for their votes. That would tend to show that Ramakotaiah did not want to embarrass the Minister and was keen to help him if he could of his own account. It is nobody's case that Ramakotaiah was a partisan of the power group and would have tried to persuade the members to vote for the power group on his own behalf.

23. That leaves only one part of Ramakotaiah's story to be considered, and this has relation to the threat held out by the Minister to Ramakotaiah when he reported to him that he had failed in his mission. On this part of the story, there is an affidavit by Ramakotaiah and there is an emphatic denial by the Minister.

24. In dealing with the different points which make up the story of Ramakotaiah, the High Court has considered the affidavits made by both the parties and has commented on the evasive character of the Minister's affidavits more than once in the course of its judgment. In fact, the High Court pointed out to the Advocate-General who appeared for the appellants before it that it was not

satisfied with the evasive statements made by the Minister in his affidavits; and it appears that the High Court expected further affidavits to be filed on behalf of the Minister, but no. such attempt was made and the matter had to be decided on the affidavits as they stood. We have carefully considered all the points which have been urged before us by the learned Solicitor-General in support of his argument that the finding rendered by the High Court is incorrect, but we are unable to see any ground on which we would be justified in reversing the conclusion of the High Court. As we have already indicated, the question raised for the decision of the High Court on this part of the case really lay within a very narrow compass and its decision depended upon the view that the High Court had to form in regard to the reliability or otherwise of the affidavits filed by both the parties. Having regard to the volume of affidavit evidence produced on behalf of Ramakotaiah, and the unsatisfactory character of the affidavits made by the Minister, the High Court was not prepared to accept the Minister's denial. Making an allowance for the fact that Ramakotaiah may have been embittered by the decision of the Minister, it still seems difficult to hold that the High Court was in error in coming to the conclusion that the story set up by him about the bias in the mind of the Minister had been established, the persons who have made affidavits in support of kotaiah's case are all men of stauts, and no. allegation is made indicating that they were either hostile to the Minister, or had any other motive in making false affidavits. That is why having carefully considered the whole of the evidence and having bestowed our anxious consideration on the points raised by the learned Solicitor- General in support of the appeals, we cannot hold that a case has been made out for our interference with the conclusion of the High Court.

25. The result is, the appeals fail and are dismissed with costs. One set of hearing fee.