



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 1560 OF 2026
(@ Special Leave Petition (C) No.11965 of 2024)

K. Rajaiah

...Appellant(s)

Versus

The High Court for the State
Of Telangana

...Respondent(s)

J U D G M E N T

K.V. Viswanathan, J.

1. Leave granted.
2. The present appeal calls in question the correctness of the judgment of the Division Bench of the High Court for the State of Telangana at Hyderabad dated 12.02.2024 in Writ Petition No.40486 of 2022. By the said judgment, the High Court dismissed the Writ Petition of the appellant and confirmed the order of his dismissal from service.

FACTS OF THE CASE: -

3. The appellant was recruited as an attender in the Court of Additional Senior Civil Judge, Karimnagar on 09.11.1998. According to the appellant, since he was indisposed with high fever, vomiting and motion from 03.08.2017 to 07.08.2017, he telephonically informed about his absence to the Office Superintendent.

4. The Additional Senior Civil Judge, Karimnagar, by a letter dated 05.08.2017, wrote to the Principal District & Sessions Judge, Karimnagar, stating that the appellant was unauthorizedly absent from 03.08.2017 to 05.08.2017; that he had not applied for any kind of leave; that his unauthorized absence caused inconvenience to the Court and that the Court was not able to function properly. It was requested that action be taken against the individual for his unauthorized absence.

5. On 07.08.2017, the Principal District & Sessions Judge, Karimnagar, instructed the Additional Senior Civil Judge, Karimnagar, to initiate action as per the CCA Rules against

the appellant and submit compliance report.

6. On 09.08.2017, an explanation was called for from the appellant. On 22.08.2017, the appellant furnished his explanation stating that on 03.08.2017, he had high fever, vomiting and motion and he consulted one Dr. Bommaraveni Swamy Mudiraj, a Medical Practitioner at Manakondur, who treated him and advised him to be admitted in the hospital; that he was admitted in the said hospital from 03.08.2017 to 07.08.2017 and submitted a certificate issued by the doctor. He stated that since he was unable to move, he informed the office over telephone on 03.08.2017 and prayed for mercy by dropping action against him. Thereafter, he applied for grant of casual leave from 03.08.2017 to 05.08.2017 (both days inclusive) and 07.08.2017 and with permission to avail public holiday for 06.08.2017.

7. It transpires from the record that after submission of the explanation and the medical certificate, the appellant requested the Presiding Officer of the Court to drop further proceedings, and the Presiding Officer kept the file aside

and orally stated to the appellant not to repeat the same in future. The salary for the period of absence was deducted.

8. It further transpires from the record that in October, 2017, since the appellant failed to attend office for 2-3 days, the Presiding Officer of the Court decided to get a notice issued to Dr. Bommaraveni, whose purported certificate was produced by the appellant in August, 2017. It is not clear from the record whether the absence in October, 2017 was also unauthorized since there is no such recording. Nothing is on record to show as to whether any action was taken against the appellant for absence in October, 2017. The absence in October, 2017 appears to have acted as a trigger to summon the doctor.

9. On 26.10.2017, after a gap of two months, an explanation was called for from Dr. Bommaraveni by the Additional Senior Civil Judge, Karimnagar to answer whether the admission slip was issued from the clinic of the said doctor and, if issued, to appear on 28.10.2017 with complete record of treatment offered to the appellant for the period from

03.08.2017 to 07.08.2017. The doctor was informed that failure to do so would entail proceedings as per rules. Along with the notice calling for explanation, the document which the appellant claimed was the prescription issued by the doctor was annexed. One Sh. Devaraj, Police Constable, Manakondur P.S. was directed to cause service of notice on the doctor.

10. On 28.10.2017, Dr. Bommaraveni appeared and gave a statement to the effect that the medical certificate in question was not issued by him; that he was not authorized to issue such Medical Certificate certifying admission of the patient and that he has no nursing home to admit patients. He further added that the Medical Certificate might have been fabricated by using his old letter pad.

11. In this statement, Dr. Bommaraveni did not state about the appellant having consulted him and receiving some tablets. This is significant because in the enquiry proceedings when he was examined as PW-2, Dr. Bommaraveni did admit that the appellant approached him

and received some tablets though he did not remember the date on which the appellant approached him.

12. On 15.12.2017, the Additional Senior Civil Judge, Karimnagar, wrote to the Principal District & Sessions Judge, Karimnagar, setting out the entire background and requested that necessary action be taken against the appellant. On 03.03.2018, the appellant was served with the Statement of imputation of misconduct and the Articles of charge.

13. The Statement of imputation sets out that the appellant, in spite of his explanation being sought, did not submit his explanation resulting in the deduction of salary for the said period from 03.08.2017 to 07.08.2017 and that the Medical Certificate was submitted only on 22.08.2017. The other background facts were also set out and the following charges were framed and served on the appellant:-

“ARTICLE-I:-

That you, Sri K. Rajaiah, Office Subordinate, Court of the Addl. Senior Civil Judge, Karimnagar have remained absent from attending duty from 3.8.2017 to 7.8.2017 and it is without applying casual leave or without

prior permission of the Officer and it is intentionally, thereby causing much inconvenience to the day to day office work and in spite of giving explanation memo, you did not submit any explanation within the stipulated time, which shows your gross negligence and dereliction of duties and such behaviour is of (sic.) unbecoming of a Government servant much less in Judicial Department, which also amounts to misconduct and that you behaved in a derogative manner and you thereby liable for punishment under Rule 20 of the APCS (CC&A) Rules, 1991.

ARTICLE – II:-

That you, Sri K. Rajaiah, Office Subordinate, Court of the Addl. Senior Civil Judge, Karimnagar have submitted explanation on 22.08.2017 with a fabricated Medical Certificate of Bommanaveni Swamy, Medical Practitioner stating that you have taken treatment with him, which shows your gross mischief towards the Court and such behaviour is of unbecoming of a Government servant much less in Judicial Department, which also amounts to misconduct and that you behaved in a derogative manner and you thereby liable for punishment under Rule 20 of the APCS (CC&A) Rules, 1991.”

14. At the enquiry, the appellant though requested for the services of a lawyer, the same was denied on the ground that the Presenting Officer was not a legal practitioner. However, permission was accorded to take the assistance of any other government servant as per Rule 20(5)(d) of the CCA Rules. From the counter affidavit of the respondent, it emerges that

the appellant told the Inquiry Officer that he would cross-examine the witnesses himself and will not take the assistance of anyone since no one was ready to come forward to help him.

15. During the enquiry, the Presenting Officer examined four witnesses. PW-1 – V. Radha Krishna Sharma was the Office Superintendent. He deposed that the salary for the period of absence of the appellant was deducted on the direction of the Presiding Judge of the Court. The same was recorded in a note (Ex. P-4) and communicated to the appellant. He further deposed to the effect that after the appellant submitted his explanation on 22.08.2017 and on the request of the appellant to drop further proceedings, the Presiding Officer of the Court kept the file aside and orally stated to the appellant not to repeat the same in future. PW-1 deposed that in October, 2017 the appellant did not attend the office for two days. As explained earlier, there is nothing on record to show that the absence in October, 2017 was unauthorized nor was this part of the present disciplinary

proceedings.

16. However, what PW-1 further deposed is crucial. It was stated by PW-1 that the Presiding Officer directed him to issue notice to Dr. Bommaraveni, who was purported to have issued the Medical Certificate (Ex. P-7). The doctor appeared before the Presiding Officer on 28.10.2017 and gave the following statement (Ex. P-9): -

**“STATEMENT OF DR. BOMMARAVENI SWAMY
MUDIRAJ, MEDICAL PRACTITIONER”**

I have received notice from Hon'ble Additional Senior Civil Judge, Karimnagar to appear before the court on 28-10-2017 at 10:30 Am, accordingly, I attended before the court. The Medical Certificate dated 07-08-2017 bearing the name of SAI TEJA CLINIC was confronted to me. I further submit that the said medical certificate is not Issued by me. I am not authorized to issue such Medical Certificate certifying the admission of patient as In-Patient. In fact, I have no Nursing Home' to join patients. The Medical Certificate might have been fabricated by my old letter pad.

Sd/-

DR. BOMMARAVENI SWAMY MUDIRAJ
MEDICAL PRACTITIONER”

17. PW-1 further deposed that when he approached the Presiding Officer with a query as to whether pay bill of the appellant had to be prepared, the Presiding Officer

addressed a letter to the Principal District and Sessions Judge, which ultimately resulted in the show cause notice of 08.02.2018 to the appellant and the initiation of the disciplinary proceedings. He further deposed that he did not receive any intimation from the appellant on 03.08.2017 and that he did not remember whether he received any phone call in the morning from the appellant with the intimation that the appellant was not feeling well with a request to convey the same to the Presiding Officer.

18. Dr. Bommaraveni was examined as PW-2 before the Inquiry Officer. His deposition is crucial. We are conscious of the fact that we are in a judicial review proceeding against the orders passed in a disciplinary enquiry. We are setting out the deposition only to take the deposition as it is and to see whether the charge against the appellant stood proved. What is crucial to notice in the deposition of the doctor is his admission that the appellant did approach him and receive tablets, though he does not remember the date on which the appellant approached him. The doctor, however, denied

having issued the Medical Certificate (Ex. P-7). The deposition is in the following terms: -

“I am practicing as R.M.P doctor at Manakondur from past 3 years. I have not issued Ex.P7 i.e., medical certificate dated 07-08-2017 in the name of K.Rajaiah. I am not authorized to admit the patients as in patients in my clinic. I own Sai Teja Clinic at Manakondur. **The medical shop owners will provide us the letter heads and the letter head of Ex.P7 is one of such and I have not issued the same.** Witness is confronted with EX.P7 and witness says that the signature on Ex.P7 is not of him. Once in another Court the Officer called me and recorded my statement in respect of Ex.P7. **Once K.Rajaiah approached me and received some tablets I do not remember the date on which K.Rajaiah approached me. Somebody took away blank letter head of mine and fabricated Ex.P7. But I have not issued Ex.P7 to K.Rajaiah at any point of time.**

Cross examination by Sri K. Rajaiah (party in person):-

It is not true to suggest that the handwriting on Ex.P7 is mine and I issued Ex.P7 to K.Rajaiah and now I am deposing false. Witness is confronted with Ex.P7 and P9 and posed a question stating that the signature on Ex.P7 and P9 pertaining to witness is one and the same. The witness stated that the signature on Ex.P9 is of him and signature on Ex.P7 do not pertains to him. It is not true to suggest that as K.Rajaiah is illiterate he cannot read and write and Ex.P7 was issued by me and now I am deposing false.”

(Emphasis supplied)

19. It is crucial to note that in the cross-examination by the appellant, it was suggested to the doctor that the signature on Medical Certificate (Ex. P-7) and Statement of Doctor

(Ex. P-9) dated 28.10.2017 were one and the same. It was also suggested that the witness was deposing falsely. In the chief-examination, the doctor admitted that the appellant approached him and received some tablets though he did not remember the date on which the appellant approached him. More importantly, the doctor did not dispute that the letterhead belonged to him. The doctor did not deny that the rubber stamp on the Medical Certificate was not his. His explanation was that someone took away the letterhead and fabricated Ex. P-7. It is also crucial to note that the doctor on his own did not produce any register in proof of the date on which the appellant approached and consulted him. PW-3 was the then Additional Senior Civil Judge and PW-4 was holding full additional charge of Addl. Senior Civil Judge's Court at the relevant time.

20. The Inquiry Officer found both the charges proved by recording the following findings: -

“As per the evidence of P.W.1 and P.W.3 a perusal of Exs. P.1 to P.7. Ex.P1 is the letter dated 05-08-2017. Ex.P2 is the Official Memorandum dated 07-08-2017. Ex.P3 is the

Explanation Memo dated 09-08-2017. Ex.P4 is the Office note dated 19-08-2017. Ex.P5 is the Explanation dated 22-08-2017. Ex.P6 is the four days casual leave application. Ex.P7 is the medical certificate. Ex.P8 is the notice to doctor dated 26-10-2017. Ex.P9 is the statement of medical practitioner. It is crystal clear that Sri K.Rajaiah, Attender in the Court of Hon'ble Addl. Senior Civil Judge, Karimnagar i.e., charged employee was absent to his duties from 03-08-2017 to 07-08-2017 without intimating to the concerned and due to which inconvenience has been caused to the official work in the office of Hon'ble Addl. Senior Civil Judge, Karimnagar and further failed to give explanation within time to the memo served on individual as per Exs. P10 to P17 i.e., Ex.P10 is the order dated 28-10-2017. Ex.P11 is the letter to Hon'ble Prl. District and Sessions Judge, Karimnagar dated 15-12-2017. Ex.P12 is the show cause notice dated 08-02-2018. Ex.P13 is the explanation dated 12-02-2018. Ex.P14 is the letter dated 20-02-2018. Ex.P15 is the proceedings dated 03-03-2018. Ex.P16 is the letter dated 07-03-2018. **Ex.P17 is the letter dated 22-03-2018. The said Sri K. Rajaiah failed to disprove the articles of charge framed against him,** thus the allegations leveled against charged employee i.e., Sri K. Rajaiah in charge No.1 is proved.

As per evidence of P.W.1, P.W.2 and P.W.3. it is crystal clear that Sri K. Rajaiah, Attender submitted his explanation i.e., Ex.P5 is the Explanation dated 22-08-2017 and applied for 4 days causal leave through Ex.P6 and by enclosing **Ex.P7 medical certificate dated 07-08-2017, but P.W.2 categorically stated that Ex.P7 was not issued by him and Ex.P7 dated 07-08-2017 do not bear the signature of P.W.2 and K. Rajaiah, Attender once approached P.W.2 and received some tablets and he do not remember the date on which said K.Rajaiah approached him. P.W.2 categorically stated that somebody took away blank letter head of P.W.2 and fabricated Ex.P7 and P.W.2 has not issued Ex.P7 to K.Rajaiah at any point of time and when P.W.2 was confronted with the signatures on Ex.P.7 and P.9, P.W.2.specifically stated that the signature on Ex.P.9 is of P.W.2 and the signature on Ex.P.7 do not pertains to P.W.2. Thus, as the P.W.2 is**

appropriate person to state whether Ex.P7 medical certificate dated 07-08-2017 was issued by P.W.2 to K.Rajaiah or not and P.W.2 categorically stated that he has not got issued said Ex.P7. Hence, I can safely conclude that the said Ex.P7 which is enclosed to Ex.P6 i.e., application seeking grant of casual leave from 03-08-2017 to 07-08-2017 is not genuine and not issued by P.W.2 and Sri K. Rajaiah, Office Subordinate failed to prove that Ex.P7 is genuine medical certificate issued by P.W.2. Hence, charge No.2 leveled against Sri K.Rajaiah, Office Subordinate is proved.

Thus, articles of Charge No.1 and II framed against Sri K. Rajaiah, office Sub-ordinate in the court of Hon'ble Addl. Senior Civil Judge, Karimnagar is proved in enquiry. Hence, submitting the enquiry report accordingly."

(Emphasis supplied)

21. After issuance of show cause for imposition of major penalty, by order dated 13.11.2018, the appellant was dismissed from service. An appeal filed to the administrative side of the High Court resulted in a dismissal on 08.01.2021. The appellant's writ petition challenging the dismissal has come to be dismissed by the impugned order. Hence, the appellant is before us by way of appeal by special leave.

CONTENTIONS OF THE PARTIES: -

22. We have heard Mr. Pratap Narayan Sanghi, learned Senior Advocate for the appellant and Ms. Sindoor VNL,

learned counsel for the respondent.

23. Mr. Pratap Narayan Sanghi, learned Senior Advocate, submitted that the charges in this case have not been established since the illness of the appellant and the treatment by the doctor is not in dispute. Learned Senior Counsel further submitted that it has not been established that the Medical Certificate (Ex. P-7) was fabricated. Learned Senior Counsel submitted that the statement of the doctor recorded on 28.10.2017 was behind the back of the appellant. Lastly, learned Senior Advocate submitted that the punishment is grossly disproportionate.

24. Ms. Sindoor VNL, learned Advocate, who very ably presented the case for the respondent, submitted that at the preliminary enquiry it was established that the certificate purported to have been issued by Dr. Bommaraveni was not actually issued by him and that the doctor deposed that the nursing home did not have any provision for admitting patients. Learned counsel submitted that the findings of the Inquiry Officer could not be substituted and that court in a

judicial review ought not to function as a court of appeal. All that the court in judicial review is concerned is whether the inquiry was held by a competent authority, in accordance with the procedure prescribed and in consonance with the principles of natural justice and whether any extraneous considerations or evidence has been taken into account. According to the learned counsel, none of the parameters applied to the present case. Learned counsel submitted that the employee attached to a judicial department must maintain absolute integrity and discipline.

25. Dealing with the quantum, learned Advocate has submitted that punishment for forgery has been specifically provided and punishment ought to be dismissal in accordance with Rule 9 (x) proviso which reads as under: -

“Provided that in all proved cases of misappropriation, bribery, bigamy, corruption, moral turpitude, forgery and outraging the modesty of women, the penalty of dismissal from service shall be imposed.”

(Emphasis supplied)

26. We have carefully considered the submissions of the learned counsel for the parties and have perused the records

including the written submissions filed by the parties. We have also called for and perused the original file of the disciplinary inquiry.

QUESTION FOR CONSIDERATION: -

27. The question that arises for consideration is, whether the appellant has made out a case for interference with the order passed in the disciplinary proceedings, as upheld by the High Court?

ANALYSIS AND CONCLUSION: -

28. The primary case against the appellant revolves around the allegation that the appellant fabricated the Medical Certificate (Ex. P-7). The first charge of submitting a delayed explanation need not detain us long. We do not find that a delay of thirteen days' time for furnishing the explanation of facts is unreasonable. The other facets of the charge are intrinsically linked to the second charge which we have discussed hereinbelow.

29. While maintaining the parameters of judicial review, the undisputed facts, however, need to be set out. The Medical

Certificate (Ex. P-7) is a fully handwritten Certificate which the appellant alleged was given by Dr. Bommaraveni to him. The fully handwritten certificate carries the purported signature of PW-2 as well as the rubber stamp and was also on the letterhead of PW-2.

30. It should also be borne in mind that it is an admitted position that the appellant had consulted the doctor (PW-2) and the doctor (PW-2) had given him few tablets though PW-2 says, he does not remember the date on which that happened. The doctor also admitted that the letterhead belonged to him. The date on the certificate is 07.08.2017 which was the last day of absence of the appellant. There is no denial that the rubber stamp on the Medical Certificate was not his.

31. In this scenario, the real question that arises is, whether the Inquiry Officer was justified in accepting the word of the doctor and rejecting outright the plea of the appellant to conclude that Ex. P-7 was not genuine and Ex. P-7 was not issued by PW-2? Should the Inquiry Officer have verified the

disputed writing in Ex. P-7 with the undisputed signature in Ex. P-9 and/or whether the Inquiry Officer should have referred the matter to a handwriting expert?

GRAVER THE CHARGE – GREATER THE NEED FOR CAUTION AND CIRCUMSPECTION: -

32. Even though it was a case of word against a word, the doctor admitted that the appellant consulted him. He admitted that the letterhead belonged to him. He did not dispute about the rubber stamp. He further admitted that he gave appellant some tablets, however, he does not remember the date and also stated that someone took away his blank letterhead and fabricated Ex. P-7 and he has not issued Ex. P-7 to the appellant at any point of time. The appellant not only suggested to the doctor that the handwriting was his, but he also confronted the doctor with Ex. P-9 (the statement given by the doctor to the Presiding Judge on 28.10.2017) and suggested that the signature is of one and the same person.

33. The appellant is a Court Attender and PW-2 is a Medical Practitioner. When the doctor admits having treated the appellant, the least that was expected from the doctor is to provide the date on which he treated him to contradict the case of the appellant. Further the Inquiry Officer ought to have verified the disputed and the undisputed writings and if any doubt persisted the matter ought to have been referred to the handwriting expert. We say so because Ex. P-7 is not a printed form certificate but a fully handwritten certificate.

34. Reference to handwriting experts and examination of handwriting experts is not a procedure alien to disciplinary inquiries. In **V.M. Saudagar (Dead) through Legal Heirs vs. Divisional Commercial Manager, Central Railway and Another¹**, while restoring the order of the Central Administrative Tribunal, which interfered with the penalty of the dismissal and after setting aside the order of the High Court, this Court held as under: -

“17.4 No evidence has been adduced to prove the charge of forgery and only the authenticity of the pass has

¹ 2025 SCC OnLine SC 2277

been verified by the Enquiry Officer with the statement of the S.M. Gole, then Office Superintendent Pass Section. CAT noted that even the alleged forged signature has not been sent to handwriting expert.”

35. In a similar case where there was a charge of forgery and the delinquent denied the charge, this Court in Sawai Singh vs. State of Rajasthan², set aside the judgment of the High Court and granted complete relief to the appellant therein. This Court, speaking through Sabyasachi Mukharji, J. (as the learned Chief Justice then was), made the following telling observations: -

“6. ... Perusal of the enquiry report makes perfunctory reading — comparing the evidence of Chaturbhuj and the appellant it is difficult to accept on what basis the enquiry officer accepted the Chaturbhuj version. The enquiry officer did not discuss the inherent improbabilities of the statements of Chaturbhuj which will be noted later.

12.The second charge was about committing forgery effecting erasion of the word ‘panch’ on the nomination paper of Shri Chaturbhuj. This allegation was sought to be proved by the evidence of handwriting expert. The handwriting expert was not available for cross-examination on the ground that at that time he was dead. But if the evidence of handwriting expert was necessary to prove the guilt of the appellant, then it was necessary on the part of the department to adduce evidence to call another handwriting expert to corroborate their charge.”

[Emphasis supplied]

² (1986) 3 SCC 454

36. Thereafter, highlighting the need for how investigations to the charges must be consistent with the requirement of the situation and how there must be fair play in action where consequences could be loss of job and loss of livelihood, this Court in *Sawai Singh (supra)* held as follows:-

“16. It has been observed by this Court in *Surath Chandra Chakrabarty v. State of W.B.* [(1970) 3 SCC 548] that charges involving consequences of termination of service must be specific, though a departmental enquiry is not like a criminal trial as was noted by this Court in the case of *State of A.P. v. S. Sree Rama Rao* [AIR 1963 SC 1723] and as such there is no such rule that an offence is not established unless it is proved beyond doubt. But in a departmental enquiry entailing consequences like loss of job which nowadays means loss of livelihood, there must be fair play in action; in respect of an order involving adverse or penal consequences against an employee, there must be investigations to the charges consistent with the requirement of the situation in accordance with the principles of natural justice insofar as these are applicable in a particular situation.”

(Emphasis supplied)

This holding is extremely vital for the case at hand for the reason that as was contended by learned Counsel Ms. Sindoor VNL, that the penalty for a proved charge of forgery is mandatory dismissal from service. Having failed to verify the disputed and the undisputed signature, we find that the

finding of the Inquiry Officer that Ex. P-7 was not genuine, is perverse and based on no credible evidence.

37. We did not want to stop here. To satisfy ourselves, we called for the original file of the disciplinary inquiry from the High Court and perused the writings and signature in Ex. P-7 as well as signature in Ex. P-9. During the examination of the original file, we also observed that apart from Ex. P-9, Dr. Bommaraveni (PW-2) had acknowledged receipt of notice dated 26.10.2017 sent from the office of the Additional Senior Civil Judge directing him to appear on 28.10.2017.

38. On the reverse side of this notice which is available in the file, Dr. Bommaraveni had acknowledged the receipt of the notice with his signature, date and his rubber stamp. The notice dated 26.10.2017 in original has been exhibited as Ex. P-8. Immediately after the original is a photocopy of the notice carrying the acknowledgement in the reverse. This document, though not specifically exhibited, it is the document on which Dr. Bommaraveni acknowledged and

thereafter appeared on 28.10.2017. The original of Ex. P-8 also has the following endorsement in the bottom.

“Through Sh. Devaraj, Police Constable, Manakondur P.S. with a direction to cause service of the notice to through Dr. Bommaraveni Swamy Mudiraj and file the acknowledgment before the undersigned.”

39. What is however crucial is the rubber stamp on Ex. P-7 is identical with the rubber stamp on the reverse of the copy of the notice dated 26.10.2017.

40. What is also significant is that the two undisputed signatures of Dr. Bommaraveni, one in exhibit P9 and the other while acknowledging receipt of notice are themselves not identical, though broadly similar. The signature on the Ex. P-7 Medical Certificate is also not identical though broadly similar to what is in the acknowledgement and what is on Ex. P-9. In this state of affairs, when nothing conclusive emerges one way or the other, prudence would dictate and common sense would command that the inquiry officer referred the matter to a handwriting expert, before recording a finding of fabrication and forgery. Failure to do

so on facts, constrains us to hold that the charge of forgery has not been proved.

INEXPLICABLE PECULIARITIES: -

41. There are so many other inexplicable peculiarities in this case. When the appellant absented himself from 03.08.2017 to 07.08.2017 and reported on 08.08.2017, pay was deducted for the period of absence. The appellant was already made to suffer with loss of pay. Not only this, there is evidence on record of V. Radha Krishna Sharma (PW-1), that on the request of the appellant to drop further proceedings after furnishing explanation on 22.08.2017, the Presiding Officer had relented and told the appellant not to repeat the same in future and kept the file aside. What appears to have triggered the reopening of the issue was the purported absence of the appellant for two days in October, 2017. It is not the case of the respondent that the absence in October, 2017 was unauthorized. At this stage, the Presiding Officer decided to summon the doctor by sending a police constable- Sh. Devaraj to his clinic. The doctor appeared on

28.10.2017 and gave a statement that the Medical Certificate was not issued by him. In this statement, no reference was made about the consultation done and the medicine given. The statement was also recorded behind the back of the appellant which the respondent, no doubt, labels as a preliminary inquiry. Be that as it may, we need not pronounce on the validity of the procedure adopted in recording this statement considering the final decision that we propose to take.

42. What further emerges is that in December, 2017, PW-1 approached the Presiding Officer of the Court for preparation of pay-bills and enquired as to whether the monthly pay-bill of the appellant has to be prepared. At that stage on 15.12.2017, a letter was written by the Presiding Officer to the Principal District and Sessions Judge setting out that the action of the appellant amounted to negligence and dereliction of duties due to unauthorized absence and a request was made to take necessary action.

PARAMETERS FOR JUDICIAL REVIEW: -

43. No doubt, as rightly contended by Ms. Sindoor VNL, learned counsel for the respondent, the parameters for judicial review against orders passed in disciplinary proceedings are limited. However, it is well settled that where the findings are based on no evidence a court of law is perfectly justified in interfering with the orders in disciplinary proceedings. Recently, this Court in **Nirbhay Singh Suliya vs. State of Madhya Pradesh and Another**³, while interfering with the findings in a disciplinary proceeding held that if the findings in the enquiry report are perverse and not supported by the evidence on record, the Court in judicial review can interfere. This Court held as under: -

“41. The High Court has erred in not interfering with the order. A valiant attempt was made by Mr. Arjun Garg to sustain the impugned order by contending that a writ court or this Court cannot act as an appellate court over the inquiry report and the only consideration was whether the inquiry had been fairly conducted. We are unable to accept

³ 2026 SCC OnLine SC 8

the said contention. **In our opinion, for the reasons stated above, the findings in the inquiry report are perverse and are not supported by the evidence on record. We make bold to record a finding that on the available material, no reasonable person would have reached the conclusion that enquiry officer reached.**

42. In *Yoginath D. Bagde v. State of Maharashtra and Another* 9, Saghir Ahmad, J. lucidly explained the principle thus:-

“51. It was lastly contended by Mr Harish N. Salve that this Court cannot reappraise the evidence which has already been scrutinised by the enquiry officer as also by the Disciplinary Committee. It is contended that the High Court or this Court cannot, in exercise of its jurisdiction under Article 226 or Article 32 of the Constitution, act as the appellate authority in the domestic enquiry or trial and it is not open to this Court to reappraise the evidence. The proposition as put forward by Mr Salve is in very broad terms and cannot be accepted. **The law is well settled that if the findings are perverse and are not supported by evidence on record or the findings recorded at the domestic trial are such to which no reasonable person would have reached, it would be open to the High Court as also to this Court to interfere in the matter.** In *Kuldeep Singh v. Commr. Of Police* [(1999) 2 SCC 10], this Court, relying upon the earlier decisions in *Nand Kishore Prasad v. State of Bihar* [(1978) 3 SCC 366], *State of Andhra Pradesh v. Rama Rao* [AIR 1963 SC 1723], *Central Bank of India Ltd. v. Prakash Chand Jain* [AIR 1969 SC 983], *Bharat Iron Works v. Bhagubhai Balubhai Patel* [(1976) 1 SCC 518] as also *Rajinder Kumar Kindra v. Delhi Admn.* [(1984) 4 SCC 635] laid down that although the court cannot sit in appeal over the findings recorded by the disciplinary authority or the enquiry officer in a departmental enquiry, it does

not mean that in no circumstance can the court interfere. It was observed that the power of judicial review available to a High Court as also to this Court under the Constitution takes in its stride the domestic enquiry as well and the courts can interfere with the conclusions reached therein if there was no evidence to support the findings or the findings recorded were such as could not have been reached by an ordinary prudent man or the findings were perverse.”

(Emphasis supplied)

44. In this case, the appellant was facing a grave charge of fabrication of the documents. When charges are grave, the caution and circumspection that should be exercised by the authorities should be greater. The appellant had joined service in 1998 as an attender. Ms. Sindoor, learned Counsel, has produced the copies of the service record of the appellant which shows that in 2011, he was awarded punishment of stoppage of two increments with cumulative effect. It is not clear as to what was the charge that led to the penalty but whatever it is, the charge in the present disciplinary inquiry, being not established, that can have no bearing. Equally, the argument of Ms. Sindoor, that the rules provided for a mandatory penalty of dismissal also

does not require further consideration since the charges themselves have not been established.

CONCLUSION AND DIRECTIONS: -

45. For the reasons stated above, we set aside the impugned judgment of the High Court dated 12.02.2024 in WP No.40486 of 2022 and allow the appeal. Consequently, the order of dismissal from service dated 13.11.2018 and the order of the Appellate Authority dismissing the appeal dated 08.01.2021 will all stand set aside. The appellant shall be reinstated in service forthwith with all consequential benefits including all arrears of salary and emoluments since the non-employment was not due to the appellant's fault. The order should be implemented within three weeks from today. The appeal is allowed. No order as to costs.

.....J.
[K. V. VISWANATHAN]

.....J.
[VIPUL M. PANCHOLI]

New Delhi;
11th February, 2026