(2025) 10 JH CK 0042

Jharkhand HC

Case No: L.P.A.No.134 Of 2025

State Of Jharkhand through the Principal Secretary		APPELLANT
	Vs	
Meena Kumari Rai		RESPONDENT

Date of Decision: Oct. 15, 2025

Acts Referred:

- Constitution of India, 1950 — Article 226, 227
- Limitation Act, 1963 — Section 5

Hon'ble Judges: Sujit Narayan Prasad, J; Arun Kumar Rai, J

Bench: Division Bench

Advocate: Ashutosh Anand, Rahul Kumar

Final Decision: Dismissed

Judgement

I.A. No. 2535 of 2025

1. The instant interlocutory application has been filed under Section 5 of the Limitation Act for condoning the delay of 182 days in preferring the instant appeal.

2. Heard learned counsel for the parties.

3. Considering the sufficient cause as has been referred in the interlocutory application, the delay of 182 days in preferring the instant appeal, is hereby condoned.

4. Accordingly, I.A. No. 2535 of 2025 stands allowed and disposed of.

L.P.A. No. 134 of 2025

5. The instant appeal under Clause-10 of Letters Patent, is directed against the order dated 26.02.2024 passed by the learned Single Judge of this Court in W.P.(S) No.4063 of 2019 whereby and whereunder the order of removal from service dated 21.07.2020 has been quashed and set aside, with a direction to the concerned disciplinary authority to pass a fresh order by taking into consideration the issue of the quantum of punishment, as the learned Single Judge has come to the

conclusion that the punishment imposed does not commensurate with the gravity of the charge.

Factual Matrix

6. The brief facts of the case, as per the pleading made in the memo of appeal, required to be enumerated, which read as under:

7. The petitioner was appointed through the 33rd Combined Competitive Examination conducted by the Bihar Public Service Commission (BPSC) and joined the Bihar Education Service Class-II cadre with effect from 8.12.1988. Since her appointment, she has continuously served with honesty and dedication at various places of posting. Upon the reorganization of the State of Bihar, the petitioner was allotted the cadre of the State of Jharkhand. She was posted as Principal of Government Girls +2 High School, Palamau, w.e.f. 20.12.2004 and continued to serve in that post 05.07.2016, despite being senior in service. By Notification Memo No. 2015-238 dated 29.06.2016, the petitioner was transferred to the post of District Education Officer (DEO), Palamau. She took charge of the post on 05.07.2016. During her tenure as DEO, she discharged her duties diligently and sincerely. There were no public complaints against her, and she was regularly paid her salary.However, within a short period of less than eight months, the petitioner was transferred from the post of DEO, Palamau, by Notification Memo No. 63 dated 15.03.2017, and was directed to report at the Headquarter. The Regional Deputy Director, who was already holding the post of DEO, Garhwa, was given additional charge of DEO, Palamau. The petitioner submits that her transfer was neither due to any administrative requirement nor in public interest. There were no complaints or allegations against her during her service as DEO. She believes that she was unfairly targeted to allow the Regional Deputy Director to take over the powers and responsibilities of DEO, Palamau, on an in-charge basis. Additionally, the petitioner has an old and ailing mother to care for. She made a representation before the Respondent-Secretary and the Deputy Commissioner, requesting reconsideration of her transfer to a non-existent post, as it would adversely affect her salary and cause personal hardship, hence, the writ petition being W.P.(S)No.1798 of 2017 has been filed.

8. It is evident from the factual aspect that the respondent-writ petitioner, while working as District Education Officer at Palamau, was proceeded departmentally. A memorandum of charge was issued, leveling the following charges against her. Since the charges are being reiterated herein from the memorandum, the same are reproduced herein below:

(i) Continuous violation of established procedure in the disposal of departmental work.

(ii) Promotion of financial irregularities and showing lack of interest in departmental responsibilities.

(iii) Withholding the salary of subordinates and subjecting them to harassment.

(iv) Failure to process contractors' bills, causing unnecessary delays.

(v) Non-disposal of complaints received under the Mukhyamantri Jan Samvad program.

(vi) Violation of Government orders during the course of official duties.

(vii) Disobedience and irregularity in conduct, amounting to a breach of the Government Servants' Conduct Rules.

9. The respondent-writ petitioner was asked to appear before the Inquiry Officer. The delinquent employee, the respondent herein, appeared and denied all the allegations. However, the charge was found to be proved and was forwarded to the disciplinary authority for taking further necessary action.

10. The disciplinary authority accepted the inquiry report and issued a second show cause notice, which was duly responded by the delinquent employee. Thereafter, the disciplinary authority passed the order of punishment for removal from service vide impugned order dated 21.07.2020.The said order was challenged by filing the writ petition, being W.P.(S) No. 4063 of 2019, which was subsequently amended. At the time of filing the writ petition, the subject matter was the departmental proceeding and the order of suspension issued in contemplation of the said proceeding. However, during the pendency of the writ petition, the order of punishment of removal from service was passed by the disciplinary authority. Accordingly, leave was sought to challenge the said order of punishment by filing an interlocutory application, being I.A. No. 4752 of 2020, which was allowed vide order dated 26.11.2020.

11. The learned Single Judge, considering the entirety of the facts and circumstances and after going through the nature of the charge/imputation alleged against the respondent-writ petitioner, found that the punishment of removal from service does not commensurate with the gravity of the charge. Accordingly, the order of punishment was quashed and set aside, and the matter was remitted for passing a fresh order after taking into consideration the quantum of punishment. The same is under challenge in the present appeal.

Submission on behalf of the learned counsel for the appellants

12. Mr. Ashutosh Anand, learned A.A.G.-III representing the appellants - State of Jharkhand, has submitted that the learned Single Judge, while interfering with the impugned order of removal from service, has not appreciated the fact that the charge against the respondent-writ petitioner was fully proved by the Inquiry Officer.

13. The findings recorded by the learned Single Judge, to the extent that the nature and gravity of the charge does not commensurate with the punishment imposed, cannot be said to reflect proper consideration. The respondent-writ petitioner was holding the post of District Education Officer a position of prime importance involving significant accountability and she failed in the discharge of her official duties, which she was obligated to perform. Therefore, it is not a case where the punishment of removal can be said to be disproportionate to the gravity of the charge. Accordingly, the impugned judgment passed by the learned Single Judge suffers from error and is liable to be set aside.

Submission on behalf of the learned counsel for the respondent

14. Per contra, Mr. Rahul Kumar, learned counsel appearing for the respondent-writ petitioner, has submitted that there is no error in the impugned judgment, which can be accessed from a bare perusal of the charge leveled against the respondent - writ petitioner, as it does not reflect any charge of a grave nature.

15. It has been contended that the learned Single Judge, by assigning specific reasons in paragraphs 10 and 11 of the impugned judgment, has come to the conclusive finding that the nature of the offence alleged against the respondent-writ petitioner is not so grave as to warrant removal from service. Therefore, if the learned Single Judge has come to the conclusion to interfere with the impugned order by remanding the matter to the disciplinary authority for passing a fresh order after reconsidering the quantum of punishment, the same cannot be said to suffer from any error.

16. It has further been contended that the requirement of a Court of law, when interfering with an order of punishment in relation to the quantum of punishment, is to assign reasons while coming to the conclusion that the punishment imposed shocks the conscience of the Court and is said to be disproportionate to the offence committed.

17. It has also been contended that the entire matter must be considered in light of the factual aspect that the respondent-writ petitioner had approached this Court by challenging the order of transfer, in which an order of status- quo was passed. Perhaps in counterblast to that, the departmental proceeding was initiated that too without taking into consideration her 31 years of unblemished service career. Furthermore, at the time of initiation of the departmental proceeding, she was only six months left until retirement.

18. We have heard the learned counsel for the parties and gone through the findings recorded by the learned Single Judge in the impugned judgment.

19. The appeal is directed against the findings recorded by the learned Single Judge to the extent of arriving at the conclusion that the punishment of removal from service is disproportionate to the gravity of the charge.

20. This Court, in order to consider whether the said finding suffers from any impropriety or not, deems it necessary to refer to the judicial pronouncements settled by the Hon'ble Apex Court on the issue of the gravity of punishment and the related to the interference by the Court in the exercise of judicial review on the ground of quantum of punishment. In this regard, reference is made to the judgment rendered in the case of *Union of India & Others vs. P. Gunasekaran, (2015) 2 SSC 610* has held at paragraphs- 12 and 13 thereof that the following guidelines have been laid down for showing interference in the decision taken by the disciplinary authority and not to interfere with the decision, which reads as under:-

"12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge No. 1 was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Article 226/227 of the Constitution of India, shall not venture into re appreciation of the evidence. The High Court can only see whether:

a. the enquiry is held by a competent authority;

b. the enquiry is held according to the procedure prescribed in that behalf;

c. there is violation of the principles of natural justice in conducting the proceedings;

d. the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;

e. the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;

f. the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;

g. the disciplinary authority had erroneously failed to admit the admissible and material evidence;

h. the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding; i. the finding of fact is based on no evidence.

13. Under Article 226/227 of the Constitution of India, the High Court shall not:

(i). re-appreciate the evidence;

(ii). interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;

(iii). go into the adequacy of the evidence;

(iv). go into the reliability of the evidence;

(v). interfere, if there be some legal evidence on which findings can be based.

(vi). correct the error of fact however grave it may appear to be;

(vii). go into the proportionality of punishment unless it shocks its conscience."

21. Further, in Central Industrial Security Force and Ors. vs. Abrar Ali, [(2017) 4 SCC 507], following guidelines have been laid down by the Apex Court for interference by the High Court and the Hon'ble Apex Court has observed that courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse in the matter of punishment imposed on conclusion of the departmental proceeding. The extract of relevant passages, i.e., para 13 and 14, are referred herein below:

"*13. Contrary to findings of the Disciplinary Authority, the High Court accepted the version of the Respondent that he fell ill and was being treated by a local doctor without assigning any reasons. It was held by the Disciplinary Authority that the Unit had better medical facilities which could have been availed by the Respondent if he was really suffering from illness. It was further held that the delinquent did not produce any evidence of treatment by a local doctor. The High Court should not have entered into the arena of facts which tantamounts to reappreciation of evidence. It is settled law that re-appreciation of evidence is not permissible in the exercise of jurisdiction under Article 226 of the Constitution of India.*

14. In State Bank of Bikaner and Jaipur v. Nemi Chand Nalwaiya, [(2011) 4 SCC 584], this Court held as follows:

"7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic inquiry, nor interfere on the ground that another view is possible on the material on record. If the inquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous

considerations."

22. It is evident from the judgment rendered hereinabove that an order of punishment imposed by a disciplinary authority can be interfered with by the High Court in the exercise of its powers of judicial review under Article 226 of the Constitution of India.

23. Such interference is permissible even on the ground that the punishment shocks the conscience of the Court, particularly on the issue of proportionality meaning thereby, if the punishment imposed is disproportionate to the gravity of the charge. This can be a valid ground for the High Court to interfere with the order of punishment while exercising its power of judicial review.

24. However, it has also been held that, while doing so, the Court must assign reasons explaining what led it to conclude that the punishment shocks its conscience. Moreover, it is not open to the Court to substitute the punishment on its own rather, the appropriate course would be to remit the matter to the disciplinary authority for reconsideration, so as to maintain a proper balance between the gravity of the charge and the punishment imposed, and to ensure that the punishment is not disproportionate.

25. Adverting to the factual aspects of the present case, we now proceed to consider the reasons assigned by the learned Single Judge in arriving at the conclusion that the punishment shocks the conscience of the Court, particularly as referred in paragraphs 10 and 11 of the impugned judgment. For this purpose, it is necessary to examine the nature of the charges alleged against the respondent-writ petitioner, which have already been referred hereinabove.

26. It is evident that even if the entire charges are accepted to be true, same pertains to the casualness in the discharge of official duties on one pretext or another.

27. However, this Court is not delving into all the issues, since the respondent-writ petitioner herself has confined her prayer only to the issue of the quantum of punishment, which suggests and clarifies that the nature of the allegations has been admitted by the respondent-writ petitioner. The reason being that once the respondent-writ petitioner confines her prayer before the learned Writ Court solely to the issue of quantum of punishment, it implies that the charge leveled against her has been accepted by the concerned delinquent employee.

28. Mr. Rahul Kumar, learned counsel appearing for the respondent-writ petitioner, has submitted that the writ petitioner has been confined only to the issue of quantum of punishment, as noted by the learned Single Judge in paragraph- 5.

29. Now, the only question is whether the judgment passed by the learned Single Judge, as challenged by the State- appellant, suffers from any error. It is settled law that a balance must be maintained between the quantum of punishment and the gravity of the charge so as to fulfill the principle of proportionality. Even when inflicting punishment on a delinquent employee, the punishment should not be excessive or disproportionate to the offence committed. However, the reasoning is to be assigned by the concerned Court.

30. Before coming to the conclusion that the punishment is disproportionate to the charge alleged to have been committed, we, in order to consider the aforesaid issue, have gone through the

impugned judgment and found that specific reasons have been assigned in paragraphs 10 and 11 thereof, wherein the learned Single Judge has come to the conclusion that the nature of the allegation is not so grave as to warrant the capital punishment of removal from service especially without taking into consideration the 31 years of unblemished service and the fact that the writ petitioner was to retire within six months from the date of initiation of the punishment.

31. This Court, applying the principles laid down by the Hon'ble Apex Court in the aforesaid judgment, and particularly considering the fact that the respondent-writ petitioner has already put in 31 years of unblemished service, finds that if, on that consideration, the learned Single Judge has come to the conclusion after appreciating the nature of the charge that if the order of removal from service is allowed to prevail, then the entire service period of 31 years will not be considered even for pension or any post-retirement benefits, and she will be forced to leave service without any financial benefits, even though there is no stigma attached to the entire service period of more than three decades. However, that cannot be a ground to grant relief if the nature of the allegation is so serious against the delinquent employee.

32. Therefore, the consideration is to be made by going through the nature of the charge as alleged in the memorandum of charge, and if the nature of the charge is serious, then irrespective of the period of service rendered by the employee, the consequences are to be faced. However, we have not found the nature of the allegation to be of such extent as to warrant the respondent-writ petitioner facing the consequence of denial of retiral or pensionary benefits. Furthermore, there is no allegation of any embezzlement of public money.

33. This Court is of the view that if these factors have led the learned Single Judge to conclude that the punishment imposed is disproportionate to the charge committed, the same cannot be said to suffer from an error. Therefore, in our considered view, the impugned order passed by the learned Single Judge requires no interference.

34. Accordingly, the instant appeal fails and is, dismissed.

35. Pending interlocutory application(s), if any, also stands disposed of.