HIGH COURT OF TRIPURA
AGARTALA

W.P.(C)No.203 of 2025

No.08121114 Rfn (GD)
Sonvir Singh
S/O-Shri Indrapal Singh
Vill- Rampur Sywali, P.O.- Rampur Sywali,
P.S.- Shlampur, Dist- Bulandshahar,
State- Uttar Pradesh, PIN-203150

....Petitioner(s).

Versus

1. **The State of Tripura**
   Represented by the Comissioner-cum-Secretary
   to the Government of Tripura,
   Home Department, New Capital Complex,
   P.O.- Kunjaban, Agartala, Dist- West Tripura.

2. **The Deputy Inspector General of Police (AP),**
   Government of Tripura,
   Agartala West Tripura.

3. **The Inspector General of Police (TSR & OPS),**
   Government of Tripura
   Agartala, West Tripura.

4. **The Commandant, 3rd Bn TSR,**
   Kachuchara Ambassa, Dhalai Tripura.

5. **The Deputy Commandant, 3rd Bn TSR,**
   Kachuchara Ambassa, Dhalai Tripura.

..... Respondents.

For Petitioner(s)	:	Mr. Arjun Acharjee, Adv, Ms. Moon Basu, Adv.
For Respondent(s)	:	Mr. Karnajit De, Addl. G.A.
Date of Hearing	:	31.03.2026
Date of delivery of Judgment and Order	:	22.04.2026
Whether fit for Reporting	:	YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

Heard Learned Counsel, Mr. A. Acharjee appearing on behalf of the petitioner and also heard Learned Additional G.A., Mr. K. De appearing on behalf of the respondents.

02. The petitioner has filed the writ petition seeking the following relief/reliefs:

> **(i) Issue Rule, calling upon the respondents and each one of them to show as to why a writ of certiorari and/or in the nature there of, shall not be issued.**
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> **(ii) ISSUE RULE, calling upon the respondents and each one of them to show cause as to why a writ of certiorari and/or in the nature there of, shall not be issued, for directing the respondents to reinstate the petitioner in his service AND for quashing or setting aside the punishment order No.F.DP.06/15/TSR-3/S.S/08/18258-86 dated 31.08.2016 and the order vide No.F.DP.06/15/TSR-3/Estt/S.S/08/4876 dated 04.03.2016**
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> **(iii) ISSUE NOTICE upon the Respondents AND Call FOR THE RECORDS appertaining to the writ petition."**

03. Taking part in the hearing, Learned Counsel for the petitioner drawn the attention of the Court that the petitioner joined as a Rifle Man under TSR vide No.08121114 Rfn (GD) and was posted at Kachucherra, Dhalai District. He took holiday from this authority w.e.f. 23.12.2014 to 21.01.2015 but in the meantime, he was involved in a criminal case vide No.207/2014 in Salempur P.S. under Section 147/149/302/307/504 of the IPC and also in another criminal Case vide No.39 of 2015 Salempur P.S. under Section 25 of Arms Act 1959 and as such he could not join to his duty.

It was further submitted that the petitioner was arrested in connection with Criminal case No.207 of 2014 along with others and as such he could not submit his written statement of defence, nor he could appear before the Inquiry Authority to contest the departmental proceeding and was languishing in Salempur District Jail. In the meantime, the Commandant, 3rd Bnt, TSR started preliminary inquiry against him as he was unauthorized absent from his duty. Notice was served for overstaying on leave w.e.f. 22.01.2015. It was further submitted that the Inquiry Authority had sent notice on four occasions i.e. on 12.06.2015, 24.06.2015, 03.07.2015 & 25.07.2015 and lastly on 05.08.2015 the petitioner was asked to appear before the Inquiry Authority. After that O/C, Salempur P.S. on 22.06.2015 had sent one report to the Inquiry Authority that the petitioner was detained in District Jail in Salempur in connection with Crime No.207/14 under Section 147/148/149/302/307/304B of the IPC. The Inquiry Authority conducted preliminary inquiry. Thereafter, article of charges were framed against him. The Inquiry Authority had sent a letter on 14.12.2015 and requested the Superintendent of jail Buland Shahar to serve the notice upon the petitioner in connection with DP No.06 of 2015. After that the Departmental Authority, i.e. the Commandant, 3rd Bn TSR, on the basis of Inquiry report passed one provisional dismissal order vide Memo No.F.DP.06/15/TSR-3/Estt/S.S/08/4876 dated 04.03.2016 and asked the petitioner to submit his

representation against the proposed punishment within 15 (fifteen) days which was also served upon him and after that the Departmental Authority passed the final order and imposed a major penalty of dismissal from service as per Section 12(1) of the TSR Act, 1983. The operative portion runs as follows:

> **"Now, therefore, the undersigned being the Disciplinary Authority, in exercise of power confers upon the Disciplinary Authority under section 12(1) of the TSR Act, 1983 impose a major penalty "Dismissal of Service" under section 12(1) (J) of the said Act upon No.08121114 Rfn (GD), Sonvir Singh of 'D' Coy, 3rd Bn TSR with immediate effect. The period of his OSL, w.e.f. 21.01.2015 (AN) to 30.08.2016 is treated as 'Dies-Non'. His name is struck off from the strength of 3rd Bn TSR w.e.f 30.08.2016 (AN)."**

It was also submitted that the petitioner thereafter filed an appeal against the conviction passed by the Trial Court before High Court of judicature at Allahabad which was dismissed by the High Court of Allahabad and after that the petitioner preferred Special Leave to Appeal (Crl) No(s).1824 of 2024 where the Supreme Court of India by order dated 06.02.2025 directed the petitioner to be released on bail. It was further submitted that challenging the order of dismissal dated 31.08.2016 the petitioner preferred appeal to the Departmental Appellate Authority but according to the petitioner the appeal has not been disposed of and no communication was made to him by the Department. Hence, the petitioner filed this writ petition.

Learned Counsel for the petitioner in support of his contention referred one citation of the Hon'ble Supreme Court

of India in **Harbanslal Sahnia & Anr. v. Indian Oil Corpn. Ltd. & Ors.** reported in **(2003) 2 SCC 107** in para No.7, Hon'ble the Apex Court observed as under:

> **"7. So far as the view taken by the High Court that the remedy by way of recourse to arbitration clause was available to the appellants and therefore the writ petition filed by the appellants was liable to be dismissed is concerned, suffice it to observe that the rule of exclusion of writ jurisdiction by availability of an alternative remedy is a rule of discretion and not one of compulsion. In an appropriate case, in spite of availability of the alternative remedy, the High Court may still exercise its writ jurisdiction in at least three contingencies: (i) where the writ petition seeks enforcement of any of the fundamental rights; (ii) where there is failure of principles of natural justice; or (iii) where the orders or proceedings are wholly without jurisdiction or the vires of an Act is challenged. (See Whirlpool Corpn. v. Registrar of Trade Marks [(1998) 8 SCC 1] .) The present case attracts applicability of the first two contingencies. Moreover, as noted, the petitioners' dealership, which is their bread and butter, came to be terminated for an irrelevant and non-existent cause. In such circumstances, we feel that the appellants should have been allowed relief by the High Court itself instead of driving them to the need of initiating arbitration proceedings."**

04. The State-respondents have contested the writ petition by filing counter-affidavit. In para Nos.3 to 10 the State-respondents submitted as under:

> **"3. That, the petitioner has made a most misleading statement in para 15 that he had filed an appeal before the competent authority for setting aside the order of dismissal whereas the Petitioner did not file any such appeal before the competent Appellate Authority. The petitioner submitted only a joining application for joining in the service and the said application was addressed to the Commandant 3rd Bn TSR. It is pertinent to mention here that The Commandant 3rd Bn TSR is not the Appellate authority even. Thus, the Petitioner without filing appeal as prescribed by the statute before the Appellate authority has come directly before the Hon'ble High Court which is not tenable in the eye of law and hence the instant case is liable to be dismissed forthwith 4. That, with regard to the statements made in para 1 of the Writ Petition, I say that, this is fact that the petitioner is an Indian citizen as per service record available with the office of the Commandant, 3rd Battalion TSR and**

the address as mentioned in the petition is tallied with the service record of the petitioner.

5. That, with regard to statements made in paragraph 4 of the writ petition, I say that, the petitioner joined Tripura State Rifles on 28.11.2008 as a Rifleman(GD) against the existing vacancy in the 12thBn Tripura State Rifles vide order No.13425-38/F.332/TSR-12(IR-VIII)/Estt/2008 dated 15.12.2008. On completion of his recruitment he underwent basic training under A. Ch. Rama Rao TSR Training Centre, R.K Nagar. Thereafter, he joined 3dBn TSR, Kachucherra on 18.10.2009 on transfer from 12th Bn TSR. His total service tenure in TSR is 07 years, 01 month & 02 days as on date of issuance of the dismissal order. Out of which, 01 year 07 months & 10 days is non-qualifying service. So, his total qualifying service in TSR is 06 years 01 month and 22 days as per service record.

Copy of the vide order No.13425-38/F.332/TSR-12(IR-VIII)/Estt/2008 dated 15.12.2008 is annexed hereto and marked as Annexure R/1.

6. That, with regard to the statements made in paragraph 5 writ petition, I say that, the petitioner went on 30(thirty) days commuted leave on medical ground w.e.f. 23.12.2014 to 21.01.2015 when he was posted in 'D' Coy, 3rd Bn TSR. He was supposed to resume his duty on 21.01.2015 (AN), but he did not resume his duty and was on unauthorized leave without informing the authority w.e.f. 21.01.2015(AN) till the date of dismissal from the Govt. service. During his leave period, he was involved with Shlampur P.S Case No.207/2014 U/S 147/148/149/302/307/504 IPC as reported to this office by one Shri Omveer Singh, S/O Jawahar Singh of Ramanpur Sywali., P.S Shlampur, (UP).

Copy of leave certificate dated 24.12.2014 is annexed hereto and marked as Annexure R/2.

Copy of report is annexed hereto and marked as Annexure R/3.

7. That, with regard to the statements made in paragraph 6 of the writ petition, I say that, petitioner was arrested on 06.01.2015 by Shlampur P.S. Bulandshahr (UP) in c/w Case No.No.207/2014 U/S 147/148/149/302/307/504 IPC as per record available with this office. As per custody certificate issued by Superintendent, Distt. Jail, Bulandhshahr Rifleman(GD) Sonvir Singh, S/O Indarpal Singh of 3dBn TSR was in Jail custody for a period of 09 years, 08 months & 18 days from 06.01.2015 to 23.09.2024 and remission awarded for a period of 07 months & 10 days. So, the total period of his custody was 10 years, 03 months & 28 days. Due to this, the petitioner was unable to submit his defence statement and appear before the E.O during the departmental proceeding.

Copy of the custody certificate is annexed hereto and marked as Annexure R/4.

08. That, with regard to para 7 of the Writ Petition, I say that, a preliminary inquiry officer was deployed by an order No.F.pers/TSR-3/Estt/S.S/08/6787-89 dated 22.04.2015 from 3dBn TSR to conduct a preliminary enquiry into the matter of unauthorized leave of the petitioner. Accordingly, the preliminary inquiry officer conducted a preliminary enquiry and submitted his report dated 06.05.2015 establishing the charge of his unauthorized leave w.e.f-22.01.2015. Thereafter, an enquiry appointed by 3rd Bn TSR vide Order officer was appointed by 3rd Bn TSR vide Order No.F.DP.No.06/15/TSR-3/Estt/S.S/08/9484-85 dated 11.06.2015. During the course of enquiry, the Enquiry Officer issued notices dated 12.06.2015, 24.06.2015, 03.07.2015, 25.07.2015 and final notice on 05.08.2015 to the petitioner directing him to appear before the Enquiry Officer along with his defense assistance and to submit his written statement of his defense.

Copy of the order No.F.pers/TSR-3/Estt/S.S/08/6787-89 dated 22.04.2015 is annexed hereto and marked as Annexure R/5.

Copy of the preliminary enquiry report is annexed hereto and marked as Annexure R/6.

Copy of the No.F.DP.No.06/15/TSR-Order 3/Estt/S.S/08/9484-85 dated 11.06.2015 is annexed hereto and marked as Annexure R/7.

Copy of the notices dated 12.06.2015, 24.06.2015, 03.07.2015, 25.07.2015 is annexed hereto and marked as Annexure R/8.

9. That, with regard to para 8 to 13, I say that, these are all matter of facts which the petitioner must prove by producing specific documentary evidences.

10. That, with regard to para 15, I say that, on 02.03.2025 the petitioner submitted an application along with copy of the order dated 06.02.2025 passed by the Hon'ble Supreme Court of India in Case No.CRL 18262/2024 (IA No.298948/2024) addressed to the Commandant, 3dBn TSR for reinstatement in service. The said application was forwarded to the DIGP, AP (Adm&Trg), vide instruction Tripura for L/No.F.154/TSR-3/R1/Estt/2011/3384 dated 06.03.2025. It is pertinent to mention here that the said Order dated 06.02.2025 of the Hon'ble Supreme Court is related to the granting of bail to the petitioner during the pendency of Appeal before the Hon'ble Supreme Court. The said order dated 06.02.2025 has got no relevancy with the present case.

Moreover, the petitioner has made a most misleading statement in para 15 that he had filed an appeal before the competent authority for setting aside the order of dismissal whereas the Petitioner did not filed any such appeal before the competent Appellate Authority. The petitioner submitted

> **only a joining application for joining in the service and the said application was addressed to the Commandant 3rd Bn TSR. It is pertinent to mention here that The Commandant 3rd Bn TSR is not the Appellate authority even. Thus, the Petitioner without filing appeal before the Appellate authority has come directly before the Hon'ble High Court which is not tenable in the eye of law and hence the instant case is liable to be dismissed forthwith."**

And by the counter-affidavit the State-respondents prayed for dismissal of the writ petition.

05. However at the time of hearing, Learned Counsel for the appellant drawn the attention of the Court that during the entire Departmental Proceeding the petitioner was in custody in some other case and as such he could not appear before the authority to take his proper defence. Thus, principles of natural justice has been violated. So, Learned Counsel prayed for setting aside the order of dismissal imposed by the Disciplinary Authority.

06. On the other hand, Learned Counsel for the State-respondents submitted that in the entire proceeding on so many occasions notices were served upon the petitioners through the authority of the jail, but inspite of receipt of notice no such communication was made either by the petitioner or by his engaged counsel or by any other authorized representatives. So, there was no infirmity in the order of the Disciplinary Authority.

It was further submitted by Learned Additional G.A. that the petitioner without approaching to the Appellate

Authority directly approached to the writ Court invoking the jurisdiction of Article 226 of the Constitution of India which is not permissible in the eye of law. So, his contention that he preferred appeal was nothing but a misleading statement for which the writ petition is liable to be dismissed henceforth with costs.

07. I have heard both the sides at length and perused the writ petition and the documents submitted as well as the counter-affidavit submitted by the State-respondents. It is on record that the petitioner was an employee of TSR, Tripura. He rendered a considerable period of service, thereafter, proceeded on leave, but failed to resume his duty within time and unauthorizedly remained absent for a long period. In the meantime, it was reported that he was involved in a criminal case and was languishing in jail at U.P. In the Departmental Proceeding on so many occasions notices were issued upon him through the authority of the jail, but inspite of that he did not take any step nor did he engage any counsel or any other authorized agent to defend his case. It was submitted that he preferred appeal challenging the order/document of the Disciplinary Authority, but he could not submit any order before this Court of the Appellate Authority that he preferred appeal.

08. Thus, it appears that the petitioner gave misleading statement before this Court. Since, the petitioner only took the

plea that he could not appear before the Inquiry authority as such he could not take his proper defence, only this ground cannot be a sole consideration for exercising writ jurisdiction. Because the Inquiry Authority as well as the Departmental Authority before imposition of punishment served several notices upon him, but inspite of that no such effective steps were taken by the petitioner.

In this regard in **Leelavathi N. & Ors. v. State of Karnataka & Ors.** reported in **(2025) SCC OnLine SC 2253**, in para Nos.36 and 37, Hon'ble the Apex Court observed as under:

> **"36. A careful perusal of the aforesaid judgments leads us to the conclusion that where an efficacious alternate remedy is available, the High Court should not entertain a writ petition under Article 226 of the Constitution of India in matters falling squarely within the domain of the Tribunals.**
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> **37. Nevertheless, a writ petition under Article 226 may still be maintainable notwithstanding the existence of such an alternative remedy in exceptional circumstances, including the enforcement of fundamental rights guaranteed under Part III of the Constitution; instances of ultra vires or illegal exercise of power by a statutory authority; violation of the principles of natural justice; or where the vires of the parent legislation itself is under challenge. While these exceptions have been carved out and reiterated by this Court in a catena of decisions, the facts of the present case do not fall within any of these exceptions so as to warrant the maintainability of the writ petitions before the High Court."**

Similarly in another case in **Union of India & Ors. v. Pranab Kumar Nath** reported in **(2025) SCC OnLine SC 2893**, in para No.8, Hon'ble the Apex Court observed as under:

"8. None of the parties to this lis are alleging that the enquiry and subsequent proceedings till the High Court have transgressed the law or its duly laid down procedure. We need not, therefore, look into that aspect. The crux of this appeal lies in appreciating the contours of the power of the High Court vis-a-vis disciplinary proceedings. It has long been held that under Article 226 jurisdiction, the court is not akin to an appellate Court, its powers are limited to the extent of judicial review. They cannot set aside punishment or impose a different punishment unless they find that there is substantial non-compliance of the rules. For instance, in B.C. Chaturvedi v. Union of India [(1995) 6 SCC 749], it was observed by a bench of three learned judges of this Court that:

12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappreciate the evidence or the nature of

punishment. In a disciplinary inquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In Union of India v. H.C. Goel [(1964) 4 SCR 718 : AIR 1964 SC 364 : (1964) 1 LLJ 38] this Court held at p. 728 that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued."

Similarly, in High Court of Judicature at Bombay v. Shashikant S. Patil [(2000) 1 SCC 416], it was observed:

"16. The Division Bench of the High Court seems to have approached the case as though it was an appeal against the order of the administrative/disciplinary authority of the High Court. Interference with the decision of departmental authorities can be permitted, while exercising jurisdiction under Article 226 of the Constitution if such authority had held proceedings in violation of the principles of natural justice or in violation of statutory regulations prescribing the mode of such enquiry or if the decision of the authority is vitiated by considerations extraneous to the evidence and merits of the case, or if the conclusion made by the authority, on the very face of it, is wholly arbitrary or capricious that no reasonable person could have arrived at such a conclusion, or grounds very similar to the above. But we cannot overlook that the departmental authority (in this case the Disciplinary Committee of the High Court) is the sole judge of the facts, if the enquiry has been properly conducted. The settled legal position is that if there is some legal evidence on which the findings can be based, then adequacy or even reliability of that evidence is not a matter for canvassing before the High Court in a writ petition filed under Article 226 of the Constitution."

(emphasis supplied)

Further, in Union of India v. K.G. Soni [(2006) 6 SCC 794], it was held:

"14. The common thread running through in all these decisions is that the court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Wednesbury case [Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn., [1948] 1 K.B. 223 : [1947] 2 All ER 680 (CA)] the court would

not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision to that of the administrator. The scope of judicial review is limited to the deficiency in the decision-making process and not the decision.

15. To put it differently, unless the punishment imposed by the disciplinary authority or the Appellate Authority shocks the conscience of the court/tribunal, there is no scope for interference. Further, to shorten litigations it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof. In the normal course if the punishment imposed is shockingly disproportionate, it would be appropriate to direct the disciplinary authority or the Appellate Authority to reconsider the penalty imposed."

(emphasis supplied)

We further notice that in Union of India v. P. Gunasekaran [(2015) 2 SCC 610], a coordinate Bench of this Court had spelt out the scope of the High Court's function as follows:

"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 I 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 Articles 226/227 of the Constitution of India, shall not venture into reappreciation 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 Articles 226/227 of the Constitution of India, the High Court shall not:

(i) reappreciate 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."

Again in another case In **K. Rajaiah v. High Court for the State of Telangana** reported in **(2026) SCC OnLine SC 190** in para No.38, Hon'ble the Apex Court observed as under:

"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."

Further, in another case in **Rikhab Chand Jain v. Union of India & Ors.** reported in **2025 SCC OnLine SC 2510** in para Nos.12 and 15, Hon'ble the Apex Court observed as under:

> **"12. That apart, the majority view in a previous Constitution Bench in A.V. Venkateswaran, Collector of Customs v. Ramchand Sobhraj Wadhwani [1961 SCC OnLine SC 16; AIR 1961 SC 1506.] reads thus:**
>
> > **"14… ., we must express our dissent from the reasoning by which the learned judges of the High Court held that the writ petitioner was absolved from the normal obligation to exhaust his statutory remedies before invoking the jurisdiction of the High Court under article 226 of the Constitution. If a petitioner has disabled himself from availing himself of the statutory remedy by his own fault in not doing so within the prescribed time, he cannot certainly be permitted to urge that as a ground for the court dealing with his petition under article 226 to exercise its discretion in his favour. Indeed, the second passage extracted from the judgment of the learned C.J. in State of U.P. v. Mohammad Nooh [1957 SCC OnLine SC 21; AIR 1958 SC 86.] with its reference to the right to appeal being lost 'through no fault of his own' emphasizes this aspect of the Rule."**
>
> **(emphasis ours)**
>
> **In essence, this court was of the opinion that once a petitioner has due to his own fault disabled himself from availing a statutory remedy, the discretionary remedy under article 226 may not be available.**
>
> **15. In our considered opinion, the appellant having had a remedy before the High Court in a separate jurisdiction which was equally efficacious, he indulged in the (mis) adventure of invoking its writ jurisdiction which was rightly not entertained."**

From the aforesaid observations of the Supreme Court, it appears that the present petitioners did not prefer any appeal to the statutory authority challenging the order of the

Disciplinary Authority and directly came to this Court for seeking relief under Article 226 of the Constitution of India.

09. Furthermore, the petitioner in course of hearing also has failed to satisfy the Court by showing any cogent materials on record that principles of natural justice has been violated against him in deciding the Departmental Proceeding. Thus, it appears that the petitioner has failed to make out any case to invoke the jurisdiction of Article 226 of the Constitution of India in this writ petition.

10. In the result, I do not find any scope to grant any relief in favour of the present petitioner of this case. Thus, the writ petition filed by the petitioner stands rejected being devoid of merit. No order is passed as to costs.

With this observation, this petition stands disposed of on contest.

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

JUDGE