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W.P. No.1494/2026

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

WRIT PETITION No. 1494 of 2026

BUT SINGH BHANWAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri L.C. Patne - Advocate for the petitioner.

*Ms. Swati Ukhale – Government Advocate for the
respondents No.1 to 3/State.*

*Shri Vibhor Khandelwal – Advocate with Shri Jayesh
Gurnani – Advocate for the respondent No.4.*

Reserved on : 12/05/2026

Post on : 14/05/2026



ORDER

This Writ Petition under Article 226 of the Constitution of India has been instituted by the petitioner, invoking the extraordinary jurisdiction of this Court, to challenge the legality and validity of the impugned orders dated 04.01.2026 (Annexure P/7) and 05.01.2026 (Annexure P/8) issued by Respondent No.4 with the approval of Respondent No.3.

2. By the aforesaid impugned orders, the services of the petitioner have been prematurely repatriated to his parent department prior to the completion of the maximum deputation tenure of four years. The petitioner concurrently seeks a writ of certiorari for quashing the subsequent order dated 05.01.2026 (Annexure R/1), whereby Respondent No.5 has been appointed on the post of Block Resource Center Coordinator (BRCC), Sardarpur, District - Dhar in place of the petitioner.

Facts of the Case

3. The petitioner substantively holds the post of Ucha Madhyamik Shikshak in the Department of Tribal Affairs. Pursuant



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to an advertisement dated 19.07.2022 (Annexure P/1) issued by Respondent No.2, applications were invited for appointment to the post of BRCC on a deputation basis, governed by the provisions of Rule 15 of the M.P. Jan Shiksha Niyam, 2003.

4. The petitioner participated in the selection process, secured 51 marks out of 90, and was placed at Serial No.4 in the merit-list for District Dhar. Following counselling, the petitioner was appointed to the post of BRCC, Janpad Shiksha Kendra, Sardarpur vide order dated 19.10.2022 (Annexure P/4), initially for a period of two years, extendable upto a maximum of four years upon satisfactory working performance.

5. The appointment order, specifically in Clause 5, stipulated that the rules of deputation of the Government of Madhya Pradesh would apply. The petitioner joined the deputed post on 20.10.2022 and successfully completed the initial two-year period on 20.10.2024, continuing in service thereafter.

6. The respondents subsequently issued the impugned orders dated 04.01.2026 and 05.01.2026, repatriating the petitioner to his parent department. The repatriation was predicated on three primary grounds: negligence in the distribution of student uniforms in Block Sardarpur, alleged misbehaviour with a Head Master, and habitual



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failure to furnish required information to superior authorities within stipulated timeframes.

Contentions of the Petitioner

7. The primary contention advanced is that the "petitioner is aggrieved by illegal, arbitrary and" *malafide* order dated 4.1.2026 (Annexure P/7) and 5.1.2026 (Annexure P/8) issued. by Respondent No.4 with the approval of Respondent No.3, repatriating the petitioner's 'services to his parent department before completion' of the tenure of deputation which was 4 years, by casting stigma over the working performance of the petitioner, without issuing any show-cause notice, without affording him any opportunity of hearing, in gross violation of principles of natural: justice and fair play as also in gross violation of law laid down by the Hon'ble Supreme Court in the case of **Ashok Kumar Ratilal Patel v. Union of India & Aother (2012) 7 SCC 757, Union of India v. S.N. Maity (2015) 4 SCC 164** as followed by the Coordinate Bench of this Hon'ble Court in the case of **Kamlesh Verma v. State of M.P. & Others 2018 (2) MPLJ 184.**

8. The petitioner contends that he had an insignificant role in the distribution of uniforms, asserting that the amounts are credited directly into students' bank accounts via a governmental portal. He



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attributes any delays or failures in uniform distribution to technical failures in e-KYC or defaults by Self Help Groups, producing certificates from Jan Shikshaks to substantiate this claim.

9. Regarding the allegation of misbehaviour with the Head Master of Government Middle School, Gondikheda, the petitioner submits that he had actually issued a show-cause notice to the said Head Master for failing to provide midday meals, and the complaint against the petitioner is merely a counterblast.

10. Furthermore, the petitioner argues that the delay in transmitting information to superiors was solely due to the gross negligence and insubordination of the Data Entry Operator, against whom the petitioner had initiated disciplinary action. Consequently, the petitioner asserts that his repatriation without a full-scale departmental enquiry is stigmatic and legally unsustainable.

Contentions of the Respondents

11. *Per contra*, the respondents vehemently oppose the petition, submitting that the petitioner was strictly bound by the conditions of his deputation. Clause 2 of his appointment order dated 19.10.2022 explicitly permitted the curtailment of deputation in the



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event of unsatisfactory work behaviour, negligence in executing departmental schemes, or disobedience of higher authorities' orders.

12. The respondents submit that following a newspaper report dated 29.08.2023 highlighting severe irregularities in uniform distribution at the District Education Centre, Sardarpur, the Divisional Commissioner ordered an enquiry. A joint enquiry committee comprising the Sub-Divisional Officer (Revenue) and the District Project Coordinator was constituted, which found the petitioner severely negligent in ensuring the distribution of funds to 5,800 students under the "Hitgrahi Yojana".

13. It is categorically stated that a show-cause notice dated 19.09.2023 was issued to the petitioner, and his reply dated 22.09.2023 was duly considered before concluding the enquiry. A separate Departmental Enquiry Committee also found the petitioner guilty of improper conduct during a school inspection on 17.06.2025, where he neglected academic reviews to focus solely on financial records.

14. The respondents further contend that the petitioner is a habitual defaulter who frequently disobeys higher directives, as evidenced by multiple show-cause notices issued on 15.05.2025, 04.09.2025, and 12.11.2025 (Annexure R/4). Therefore, his



repatriation is an administrative necessity based on subjective satisfaction of his unsuitability, not a punitive measure.

15. The respondents also raise a preliminary objection regarding the petitioner's conduct, stating he suppressed material facts to obtain an interim order. Specifically, he concealed the issuance of multiple show-cause notices and the fact that his successor had already assumed charge on 05.01.2026. Furthermore, he allegedly marked himself present and claimed salary while on unauthorized leave in January 2026.

Analysis and Conclusion

16. Having heard the respective submissions and having carefully perused the record, the scope of judicial review under Article 226 of Constitution of India in matters of deputation must be delineated. The contours of a deputationist's rights are strictly circumscribed by the administrative exigencies of the lending and borrowing departments, and interference is warranted only in cases of proven statutory violation, *malafide*, or punitive stigma masquerading as a simple reversion.



17. The fundamental jurisprudence governing deputation is well-settled. In **State of Punjab v. Inder Singh, (1997) 8 SCC 372**, the Hon'ble Supreme Court elucidated:

“18. The concept of “deputation” is well understood in service law and has a recognized meaning. “Deputation” has a different connotation in service law and the dictionary meaning of the word “deputation” is of no help. In simple words “deputation” means service outside the cadre or outside the parent department. Deputation is deputing or transferring an employee to a post outside his cadre, that is to say, to another department on a temporary basis. After the expiry period of deputation the employee has to come back to his parent department to occupy the same position unless in the meanwhile he has earned promotion in his parent department as per the Recruitment Rules. Whether the transfer is outside the normal field of deployment or not is decided by the authority who controls the service or post from which the employee is transferred. There can be no deputation without the consent of the person so deputed and he would, therefore, know his rights and privileges in the deputation post. The law on deputation and repatriation is quite settled as we have also seen in various judgments which we have referred to above. There is no escape for the respondents now to go back to their parent departments and working there as Constables or Head Constables as the case may be.”



18. This principle was further fortified in **Kunal Nanda v. Union of India, (2000) 5 SCC 362**, wherein it was unequivocally held:

“6. On the legal submissions also made there are no merits whatsoever. It is well settled that unless the claim of the deputationist for a permanent absorption in the department where he works on deputation is based upon any statutory rule, regulation or order having the force of law, a deputationist cannot assert and succeed in any such claim for absorption. The basic principle underlying deputation itself is that the person concerned can always and at any time be repatriated to his parent department to serve in his substantive position therein at the instance of either of the departments and there is no vested right in such a person to continue for long on deputation or get absorbed in the department to which he had gone on deputation. The reference to the decision reported in Rameshwar Prasad v. M.D., U.P. Rajkiya Nirman Nigam Ltd. [(1999) 8 SCC 381 : 2000 SCC (L&S) 60] is inappropriate since the consideration therein was in the light of the statutory Rules for absorption and the scope of those Rules. The claim that he need not be a graduate for absorption and being a service candidate, on completing service of 10 years he is exempt from the requirement of possessing a degree needs mention, only to be rejected. The stand of the respondent Department



that the absorption of a deputationist being one against the direct quota, the possession of basic educational qualification prescribed for direct recruitment i.e. a degree is a must and essential and that there could be no comparison of the claim of such a person with one to be dealt with on promotion of a candidate who is already in service in that Department is well merited and deserves to be sustained and we see no infirmity whatsoever in the said claim.”

19. The pivotal issue herein is whether the curtailment of the petitioner's specified extended tenure amounts to a stigmatic punishment necessitating a full-fledged departmental enquiry. Guidance is drawn from **Union of India v. V. Ramakrishnan, (2005) 8 SCC 394**, wherein the Supreme Court observed:

“32. Ordinarily, a deputationist has no legal right to continue in the post. A deputationist indisputably has no right to be absorbed in the post to which he is deputed. However, there is no bar thereto as well. It may be true that when deputation does not result in absorption in the service to which an officer is deputed, no recruitment in its true import and significance takes place as he is continued to be a member of the parent service. When the tenure of deputation is specified, despite a deputationist not having an indefeasible right to hold the said post, ordinarily



the term of deputation should not be curtailed except on such just grounds as, for example, unsuitability or unsatisfactory performance. But, even where the tenure is not specified, an order of reversion can be questioned when the same is mala fide. An action taken in a post-haste manner also indicates malice. (See Bahadursinh Lakhubhai Gohil v. Jagdishbhai M. Kamalia [(2004) 2 SCC 65] SCC para 25.)

20. Applying this parameter, this Court has scrutinized the impugned order dated 04.01.2026 passed by the Collector, Dhar, which reads as verbatim:

“जिला शिक्षा केन्द्र धार के आदेश क्रमांक / जि.शि.के. / स्थापना/2022/3453 धार दिनांक 19. 10.2022 के अनुक्रम में श्री बुटसिंह भंवर विकाराखण्ड योत समन्वयक वि.ख. सरदारपुर के पद पर रोवाएँ प्रतिनियुक्ति रोवा शर्तों के अधीन 02 वर्षों हेतु प्रतिनियुक्ति पर ली गयी थी। श्री भंवर की गूल पदस्थापना जनजातीय कार्य विभाग के अंतर्गत उच्च माध्यमिक शिक्षक शासकीय क.उ. गा.वि. राजोद वि. ख. सरदारपुर जिला धार अंतर्गत है।

श्री भंवर के विरुद्ध सरदारपुर विकासखण्ड में गणवेश वितरण में गंगीर लापरवाही होने संबंधित शिकायत में कलेक्टर महोदय द्वारा तत्कालीन अनुविभागीय अधिकारी राजश्वर सरदारपुर एवं डी.पी.सी. जिला शिक्षा केन्द्र धार को संयुक्त रूप से जांच के आदेश दिये गये थे। उक्त जांच में जांच प्रतिवेदन में तत्कालीन अनुविभागीय अधिकारी राजश्वर सरदारपुर एवं डी.पी.सी. धार ने श्री भंवर को पूर्णरूपेण दोषी पाया गया था।



श्री भंवर के विरुद्ध प्र. अध्यापक शा.मा.वि. गांदीखेडा वि.ख. सरदारपुर द्वारा राहायक आयुक्च आ.वि.धार को पत्र क्रमांक / मा.शि./प्रक्र./102 दि. 18.06.2025 द्वारा मानसिक प्रताडना एवं वित्तीय अगिलेख जबरन छिपाकर ले जाने तथा शालो निधि से अनुचित राशि की मांग करने के साथ ही अमद्र भाषा का प्रयोग करने के आरोप लगाये गये है। जिरासे विभाग की छवि धूमिल हुयी है।

श्री भंवर विगत लगभग 93 वर्षों से बीआरसीसी का कार्य कर रहे है। श्री भंवर के द्वारा शासन की हितग्राही मूलक योजनाओं के क्रियान्वयन में सदैव अराहयोगात्मक व्यवहार प्रदर्शित किया गया होकर वरिष्ठालय को कभी भी समय-सीमा में जानकारी नहीं प्रदान करना आदतन है। जिस कारण जिले की समीक्षा पर भी परिष्ठालय द्वारा अप्रसन्नता व्यक्त की गयी। इरा हेतु इन्हे कयी बार कारण बताओ सूचना पत्र प्रदान कर चेतावनी भी दी गयी है।

श्री गंगर का कार्य व्यवसर असंतोषप्रद लेकर एरा.डी.एन. महोदय एवं डी.पी.सी. की जांब में गणवेश वितरण जैसी हितग्राही योजना के समुचित क्रियान्वयन का दोषी पाया गया है।

अतः प्रतिनियुक्ति सेवा शर्त / नियंग के बिंदु क्रमांक 2 में वर्णित "कार्यव्यवहार संतोषजनक नहीं पाये जाने, विभागीय योजनाओं एवं कार्या के निष्पादन में लापरवाही तथा बरिष्ठ अधिकारियों के आदेश की अवहेलना करने के फलस्वरूप श्री 'भंवर बीआरसीसी सरदारपुर की सेवाएँ 02 वर्ष की प्रतिनियुक्ति सेवा पूर्ण होने से इनकी प्रतिनियुक्ति समाप्त करते हुये इनकी सेवाएं गूल विभाग जनजातीय कार्य विभाग धार को लोटाई जाती है।

यह आदेश तत्काल प्रभावशील होगा। (कलेक्टर एवं जिला मिशन संचालक द्वारा अनुमोदित)।”



21. Thus it is clear that for a deputationist to be curtailed from his deputation in the case of unsuitability or unsatisfactory performance. For it, a subject finding/preliminary inquiry or satisfaction of the authority is sufficient and no full fledge enquiry is needed unless it is stigmatic or malice.

22. The yardsticks of natural justice applicable to a deputationist and a non-deputationist are fundamentally different. In the case of a deputationist, the subjective satisfaction arrived at by the borrowing department regarding unsuitability does not require strict adherence to a full-fledged departmental enquiry, which is ordinarily mandated in the case of non-deputationists facing disciplinary action. Mere subjective satisfaction of the competent authority regarding the unsuitability or unsatisfactory working performance of the employee is legally sufficient to repatriate his services to his parent department.

23. In the present case, no any stigma/malice is made out. The recitals in the impugned order, though referencing "negligence" and "unsatisfactory work", are merely the foundations for the administrative conclusion that the petitioner is unsuitable to continue handling the sensitive responsibilities of a BRCC. Such findings, arrived at after preliminary inquiries by the SDO and



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DPC, constitute a valid exercise of administrative discretion under Clause 2 of the appointment order.

24. The petitioner was made out of deputation after the subject finding enquiry. The record incontrovertibly demonstrates that the respondents did not act arbitrarily; they issued multiple show-cause notices (on 19.09.2023, 15.05.2025, 04.09.2025, and 12.11.2025), solicited responses, and assessed the petitioner's performance against the requirements of the post. The principles of natural justice, proportionate to a non-punitive repatriation, have been adequately observed.

25. The case law relied by the petitioner are distinguishable. Precedents such as **Ashok Kumar Ratilal Patel (Supra)** pertain to situations where an offer of appointment on deputation is arbitrarily withdrawn prior to joining, or where severe punitive actions are taken without any factual foundation. They do not inhibit a borrowing department from returning a deputationist whose working performance has been formally assessed as unsatisfactory through preliminary administrative channels.

26. In view of the aforesaid factual matrix and the settled legal position, the impugned orders do not suffer from any jurisdictional error, procedural impropriety, or *malafide* warranting interference



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under Article 226 of Constitution of India. The Petition is **dismissed.**

27. Pending applications, if any, shall be **disposed of** accordingly.

No order as to costs.

(Jai Kumar Pillai)
Judge

Aiyer*PS