W.P. No. 45186/2025

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

WRIT PETITION No. 45186 of 2025

RAVINDRA SINGH GURJAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Prakash Upadhyay –Senior Advocate with Shri Rakesh Singh Bhadoria for the petitioner.

Ms. Swati Ukhale –G.A for the respondents/State.

Reserved on : 07.05.2026

Post on : 23.06.2026

ORDER

The present Writ Petition has been filed by the petitioner under Article 226 of the Constitution of India, challenging the

legality, propriety, and correctness of the disciplinary action taken against him by the respondent authorities.

2. The petitioner seeks the issuance of a writ in the nature of certiorari for quashing the impugned order dated 29.10.2025 passed by the State Government, the appellate order dated 11.07.2025 passed by the Director General of Police, and the punishment order dated 08.01.2025 passed by the Police Commissioner, Indore.

3. Vide the aforementioned impugned orders, the statutory appeals preferred by the petitioner were dismissed, and the major penalty of demotion to the post of Sub-Inspector for a period of three years has been maintained.

Facts of the Case

4. The petitioner, Shri Ravindra Singh Gurjar, joined the Madhya Pradesh Police Force as a Sub-Inspector on 12.01.2007 and was subsequently promoted to the post of Inspector on 11.12.2014 owing to his service record.

5. On 15.06.2023, while the petitioner was posted as the Station House Officer (SHO) of Police Station Vijay Nagar, Indore, beat constables brought four youths to the station for verification regarding suspected gambling activities.

6. The contemporaneous sentry register (Santari Register) maintained at the police station explicitly recorded the age of one of the youths, namely Harendra Singh, as 16 years. Subsequently, an FIR (Crime No. 577/2023) was registered on 16.06.2023 under Section 4-A of the Gambling Act against the youths by Sub-Inspector Sanjay Dhurve.

7. Following a complaint made by one Ashish Jadon alleging illegal detention and demand of money by the police staff, a preliminary enquiry was conducted by the Assistant Commissioner of Police, Pardeshipura.

8. The preliminary enquiry report (Rojnamcha) recorded specific findings of procedural violations, illegal demands of money by subordinates, and severe supervisory negligence against the petitioner. Consequently, a full-fledged departmental enquiry was initiated, wherein the Enquiry Officer found the charges proved, leading to the impugned penalty of demotion for three years.

Contentions of the Petitioner

9. The petitioner contends that the impugned orders are illegal, arbitrary, and violative of the principles of natural justice, as the charges levelled against him were vague and failed to disclose how

he specifically violated any provision of the Police Regulations or the Juvenile Justice Act, 2015.

10. It is asserted that the petitioner was not personally involved in the preliminary verification and bona fide relied upon the entries made by his subordinates in the station diary in the normal course of official duty.

11. The petitioner submits that no allegation of physical misconduct, illegal detention, or monetary demand was proved against him. The registration of an FIR by a subordinate does not constitute misconduct, and the petitioner's role was purely supervisory in nature.

12. It is further argued that the penalty of demotion is grossly disproportionate when compared to the lighter punishments awarded to the co-delinquent subordinates who were directly involved in the incident.

13. Lastly, the petitioner contends that the punishment order violates the Police Headquarters circular dated 31.07.2008, which mandates prior approval of the Director General of Police before imposing a major penalty on an Inspector, and that the appellate orders suffer from non-application of mind. The petitioner has

heavily relied on the recent judgment of the Hon'ble Supreme Court in **Hemlata Eknath Pise v. Shubham Bahu-uddeshiya Sanstha Waddhamna & Ors., Civil Appeal Nos. 1558-1559/2026 (2026 INSC 147)**. The petitioner argues that based on this judgment, the authorities failed to comprehensively answer all his grounds of defense and instead passed orders focusing only on a single point of supervisory negligence.

Contentions of the Respondents

14. *Per contra*, the answering respondents submit that the writ petition is misconceived, based on a selective reading of the record, and seeks impermissible re-appreciation of evidence already examined in a duly conducted departmental enquiry.

15. It is submitted that the contemporaneous Santari Register maintained at the police station on 15.06.2023 clearly recorded the age of Harendra Singh as 16 years, automatically attracting the statutory obligations under the Juvenile Justice (Care and Protection of Children) Act, 2015.

16. The respondents contend that the petitioner's plea of absence is false. The departmental enquiry and the preliminary investigation demonstrate that the petitioner was present at the station and

directly interacted with the complainant regarding the detention of the youths.

17. Under Police Regulation, the SHO has a continuous statutory duty to supervise subordinates and ensure the lawful discharge of duties. The petitioner was punished for gross supervisory dereliction and failure to enforce statutory safeguards, which is distinct from direct criminal liability.

18. The respondents maintain that the differential punishment is justified given the petitioner's higher rank as SHO. The appellate orders are reasoned, and the circular dated 31.07.2008 is administrative in nature and does not override statutory disciplinary powers.

Analysis and Conclusion

19. Having heard the pleadings and meticulously perused the record, including the preliminary inquiry report, this Court must first observe that the scope of judicial review under Article 226 of the Constitution in matters of departmental proceedings is highly circumscribed. The court has limited power to interfere with the departmental inquiry unless the findings are perverse, based on no evidence, or procedurally vitiated.

20. The core issue relating to disciplinary action against an officer discharging statutory or quasi-judicial duties is no longer *res-integra*. The law is well settled by the Hon'ble Supreme Court in **Union of India v. K.K. Dhawan, (1993) 2 SCC 56 : 1993 SCC (L&S) 325 : 1993 SCC OnLine SC 59** at page 67 which reads as under:-

> *"28. Certainly, therefore, the officer who exercises judicial or quasi-judicial powers acts negligently or recklessly or in order to confer undue favour on a person is not acting as a Judge. Accordingly, the contention of the respondent has to be rejected. It is important to bear in mind that in the present case, we are not concerned with the correctness or legality of the decision of the respondent but the conduct of the respondent in discharge of his duties as an officer. The legality of the orders with reference to the nine assessments may be questioned in appeal or revision under the Act. But we have no doubt in our mind that the Government is not precluded from taking the disciplinary action for violation of the Conduct Rules. Thus, we conclude that the disciplinary action can be taken in the following cases:*
>
> *(i) Where the officer had acted in a manner as would reflect on his reputation for integrity or good faith or devotion to duty;*
>
> *(ii) if there is prima facie material to show recklessness or misconduct in the discharge of his duty;*
>
> *(iii) if he has acted in a manner which is unbecoming of a Government servant;*

> *(iv) if he had acted negligently or that he omitted the prescribed conditions which are essential for the exercise of the statutory powers;*
>
> *(v) if he had acted in order to unduly favour a party;*
>
> *(vi) if he had been actuated by corrupt motive, however small the bribe may be because Lord Coke said long ago "though the bribe may be small, yet the fault is great".*

21. The law is well settled regarding the proportionality of punishment. In the case of **Bhagat Ram v. State of H.P., (1983) 2 SCC 442 : 1983 SCC (L&S) 342 : 1983 SCC OnLine SC 37**, the Hon'ble Supreme Court at page 453 has held as under:

> ***"15.*** *It is equally true that the penalty imposed must be commensurate with the gravity of the misconduct, and that any penalty disproportionate to the gravity of the misconduct would be violative of Article 14 of the Constitution."*

22. Further, delineating the scope of judicial review in disciplinary matters, the Hon'ble Apex Court in **B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749 : 1996 SCC (L&S) 80** at page 762 observed as under:

> ***"18.*** *A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the*

discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof."

23. The principles governing the quantum of punishment and the limited jurisdiction of the Courts have been summarized in **Lucknow Kshetriya Gramin Bank v. Rajendra Singh, (2013) 12 SCC 372 : (2013) 3 SCC (L&S) 159 : 2013 SCC OnLine SC 677** at page 382, wherein it is laid down as follows:

"19. *The principles discussed above can be summed up and summarised as follows:*

"19.1. *When charge(s) of misconduct is proved in an enquiry the quantum of punishment to be imposed in a particular case is essentially the domain of the departmental authorities.*

19.2. *The courts cannot assume the function of disciplinary/departmental authorities and to decide the quantum of punishment and nature of penalty to be awarded, as this function is exclusively within the*

jurisdiction of the competent authority.

19.3. *Limited judicial review is available to interfere with the punishment imposed by the disciplinary authority, only in cases where such penalty is found to be shocking to the conscience of the court.*

19.4. *Even in such a case when the punishment is set aside as shockingly disproportionate to the nature of charges framed against the delinquent employee, the appropriate course of action is to remit the matter back to the disciplinary authority or the appellate authority with direction to pass appropriate order of penalty. The court by itself cannot mandate as to what should be the penalty in such a case.*

19.5. *The only exception to the principle stated in para 19.4 above, would be in those cases where the co-delinquent is awarded lesser punishment by the disciplinary authority even when the charges of misconduct were identical or the co-delinquent was foisted with more serious charges. This would be on the doctrine of equality when it is found that the employee concerned and the co-delinquent are equally placed. However, there has to be a complete parity between the two, not only in respect of nature of charge but subsequent conduct as well after the service of charge-sheet in the two cases. If the co-delinquent accepts the charges, indicating remorse with unqualified apology, lesser punishment to him would be justifiable."*

24. Reaffirming the proposition that a Court in judicial review should not normally substitute its own conclusion on penalty, the

Hon'ble Supreme Court in **State of Gujarat v. Anand Acharya, (2007) 9 SCC 310 : (2007) 2 SCC (L&S) 514 : 2007 SCC OnLine SC 257** at page 314 held as under:

> ***"15.*** *The well-settled proposition of law that a court sitting in judicial review against the quantum of punishment imposed in the disciplinary proceedings will not normally substitute its own conclusion on penalty is not in dispute. However, if the punishment imposed by the disciplinary authority or the Appellate Authority shocks the conscience of the court, then the court would appropriately mould the relief either by directing the disciplinary/appropriate authority to reconsider the penalty imposed or to shorten the litigation it may make an exception in rare cases and impose appropriate punishment with cogent reasons in support thereof (see Bhagat Ram v. State of H.P. [(1983) 2 SCC 442 : 1983 SCC (L&S) 342] , Ranjit Thakur v. Union of India [(1987) 4 SCC 611 : 1988 SCC (L&S) 1] and U.P. SRTC v. Mahesh Kumar Mishra [(2000) 3 SCC 450 : 2000 SCC (L&S) 356])."*

25. Finally, emphasizing the necessity of recording cogent reasons before interfering with an order of punishment, reliance is placed on the judgment in **S.R. Tewari v. Union of India, (2013) 6 SCC 602 : (2013) 2 SCC (L&S) 893 : 2013 SCC OnLine SC 486**, wherein at page 614, it has been observed as under:

> *"28. The role of the court in the matter of departmental proceedings is very limited and the court*

cannot substitute its own views or findings by replacing the findings arrived at by the authority on detailed appreciation of the evidence on record. In the matter of imposition of sentence, the scope for interference by the court is very limited and restricted to exceptional cases. The punishment imposed by the disciplinary authority or the appellate authority unless shocking to the conscience of the court, cannot be subjected to judicial review. The court has to record reasons as to why the punishment is disproportionate. Failure to give reasons amounts to denial of justice. The mere statement that it is disproportionate would not suffice. (Vide Union of India v. Bodupalli Gopalaswami [(2011) 13 SCC 553 : (2012) 2 SCC (L&S) 94] and Sanjay Kumar Singh v. Union of India [(2011) 14 SCC 692 : AIR 2012 SC 1783] .)"

26. Applying the aforesaid legal principles to the facts at hand, the preliminary inquiry report (Rojnamcha) exposes a glaring chain of negligence and supervisory abdication by the petitioner. It is an admitted position on record that the age of Harendra Singh was explicitly recorded as 16 years in the police station's santry register on 15.06.2023.

27. The first instance of gross negligence is the petitioner's absolute failure to implement the mandatory provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. Once a juvenile was brought to the police station, the law unequivocally mandates special procedures, including handing the minor over to a

Child Welfare Police Officer. The petitioner, despite the documentary entry of the minor's age, turned a blind eye and allowed a minor to be illegally detained in the police station until past midnight.

28. The second instance of negligence is established by the petitioner's own physical presence and interaction at the scene. The Rojnamcha records the statement of the complainant, Ashish Jadon, who met the petitioner outside the station. The petitioner explicitly acknowledged to the complainant that his minor nephew was being held for "online gambling" and stated that an FIR would be filed, before casually leaving the premises. This dismantles the petitioner's defense of ignorance and proves he was actively aware of the illegal detention.

29. The third severe irregularity demonstrating that the case was not handled properly is the complete breakdown of command and control under the petitioner's watch. The Rojnamcha reveals that while the petitioner was the Station House Officer, unauthorized civilians (such as the individual identified as Ajay Sharma) were freely operating inside the police station. Furthermore, subordinate constables were actively negotiating and receiving illegal

gratification (Rs. 10,000) from the families of the detained youths to secure their release without formal legal proceedings.

30. The fourth aspect of negligence relates to the subsequent manipulation of official records. The detained youths were released late at night on 15.06.2023 after alleged illegal demands were met. To cover up this illegal detention, Sub-Inspector Sanjay Dhurve registered an FIR (Crime No. 577/2023) the very next day, falsely depicting a fresh apprehension of the youths. The petitioner, as the supervisory head, either orchestrated or negligently permitted this gross abuse of the investigative process.

31. From the aforesaid chain of events, it is unequivocally clear that the petitioner has not executed his duty properly being head of the station. His conduct reflects a reckless omission of prescribed statutory conditions essential for the lawful exercise of police powers, squarely attracting the disciplinary parameters laid down in **K.K. Dhawan (supra).**

32. The judgments discussed above make it clear that courts must be very careful before interfering with punishment orders. Normally, a court exercising the power of judicial review should not change the punishment given by the disciplinary authority. This is because the authority is the best judge to maintain discipline in its

department. The court should only interfere if the punishment is shockingly disproportionate to the misconduct, which would violate Article 14 of the Constitution. Even if the court decides to interfere, it should generally send the matter back to the authority to reconsider the penalty.

33. The petitioner's argument that he should be treated equally with his subordinates is not acceptable. At the time of the incident, the petitioner was the Station House Officer (SHO) in the rank of Inspector. A higher post carries higher accountability. The role of an SHO is highly responsible, and he has a strict duty to closely supervise the actions of his junior staff.

34. The co-delinquents (Constables and a Sub-Inspector) had limited powers and cannot be compared to the petitioner. Treating the head of a police station equally with a junior constable would be completely illogical. The difference in punishment is justified because of the petitioner's senior rank and the higher trust placed in him by the department.

35. Furthermore, this Court firmly believes that the penalty of demotion to the post of Sub-Inspector for a period of three years is not shockingly disproportionate to the proven misconduct. A punishment is considered "shockingly disproportionate" only when

it is far too harsh compared to the mistake committed. In this case, the petitioner's negligence was not minor. Under his direct watch, a 16-year-old minor was illegally detained at night, and his staff took illegal money to release the youths. As the SHO, it was his primary duty to protect the rights of citizens and strictly follow the Juvenile Justice Act, which he completely failed to do.

36. For such a serious failure to control his police station, the disciplinary authority could have taken even stricter action. However, the authority took a balanced approach. Instead of giving the extreme penalty of dismissal or removal from service, the authority only reduced his rank temporarily for three years. This punishment directly reflects his failure to handle the higher responsibilities of an Inspector. Therefore, the punishment is completely reasonable, matches the gravity of his negligence, and by no stretch of imagination does not shock the conscience of this Court.

37. Furthermore, this Court firmly believes that the penalty of demotion to the post of Sub-Inspector for a period of three years is not shockingly disproportionate to the proven misconduct. A punishment is considered "shockingly disproportionate" only when it is far too harsh compared to the mistake committed. In this case,

the petitioner's negligence was not minor. Under his direct watch, a 16-year-old minor was illegally detained at night, and his staff took illegal money to release the youths. As the SHO, it was his primary duty to protect the rights of citizens and strictly follow the Juvenile Justice Act, which he completely failed to do. As reflects from the enquiry report, the whole incident was within the knowledge of the petitioner, and no action was taken by the petitioner against the erring officers, neither did he inform the higher authorities.

38. The petitioner has also placed heavy reliance on the judgment of the Hon'ble Supreme Court in **Hemlata Eknath Pise v. Shubham Bahu-uddeshiya Sanstha Waddhamna & Ors. (2026 INSC 147).** The petitioner argued that the authorities did not answer all his defenses and decided the case on just one point. This argument is not acceptable. In **Hemlata Eknath Pise (Supra)** the Hon’ble Supreme Court held that courts and authorities must address all the issues raised in a case with proper reasons, instead of focusing on a single point. However, that rule does not help the petitioner here. A reading of the impugned orders shows that the disciplinary and appellate authorities have carefully considered all the points raised by him. They have given clear reasons regarding his presence at the police station, his failure to apply the Juvenile Justice Act, 2015 and his failure to supervise his junior staff. Since

the authorities did not ignore any of his defenses and passed fully reasoned orders, the said judgment does not apply to the facts of this case.

39. Looking at the overall facts and the settled law, this Court finds that the departmental enquiry was conducted fairly. The charges of negligence are fully supported by the preliminary inquiry report, and the impugned orders do not suffer from any illegality or jurisdictional error. Therefore, there is no reason to interfere in this matter.

40. Accordingly, the writ petition is **dismissed** as it has no merit. Interim protection, if any, is vacated. No order as to costs.

(Jai Kumar Pillai)
Judge

hk/