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WP-18568-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

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HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 24th OF JUNE, 2026WRIT PETITION No. 18568 of 2026

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Appearance:

Shri Narendra Chouhan - Advocate for the petitioner.

Ms. Kanak Gaharwar - Government Advocate for respondent

No.1/State.

Shri Khalid Noor Fakhruddin - Advocate for respondent Nos. 2 to 4.

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ORDER

Per. Justice B. P. Sharma :

The petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, assailing the legality and propriety of the charge-sheet/show cause notice dated 19.12.2025, issued by the High Court of Madhya Pradesh in exercise of its disciplinary jurisdiction under Rule 14 of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 (hereinafter referred to as the "Rules of 1966"). The petitioner seeks quashment of the departmental proceedings initiated pursuant thereto on the ground that they have been commenced during the pendency of a criminal prosecution arising out of the same set of facts.



2. The petitioner is a member of the Madhya Pradesh Judicial Service. At the relevant point of time, he was posted as V Civil Judge, Senior Division, Indore. Certain allegations came to the notice of the High Court in relation to *Criminal Trial No.1621/2019* titled *State Vs. Santosh Verma*. The allegations, in substance, were that a judgment dated 06.10.2020 showing acquittal of accused Santosh Verma was prepared and brought into existence despite the fact that the criminal case was still pending and had not been legally disposed of. It was further alleged that the said act was committed in furtherance of a conspiracy to confer undue advantage upon the accused. Santosh Verma who was supposed to receive the IAS award, but it was not possible for him to get it due to pendency of criminal case. Such conduct amounted to grave misconduct, abuse of judicial office and failure to maintain the integrity expected from a judicial officer.

3. The matter was subjected to vigilance scrutiny by the High Court on its administrative side. After collection and examination of the relevant material, the disciplinary authority considered it appropriate to initiate disciplinary proceedings against the petitioner. The petitioner was placed under suspension and thereafter a charge-sheet dated 19.12.2025 came to be issued under Rule 14 of the Rules of 1966. The charge-sheet contains specific articles of charge accompanied by statement of imputations, list of documents and list of witnesses has been issued against him. The disciplinary authority also appointed an Inquiry Officer and Presenting Officer for conducting the enquiry in accordance with law. Being aggrieved the petitioner has approached this Court by filing the present writ petition.



4. Learned Counsel appearing for the petitioner submitted that the impugned charge-sheet deserves to be quashed primarily on account of gross and unexplained delay. It is contended that the alleged incident pertains to the year 2020 whereas the charge-sheet has been issued only in December, 2025. According to the petitioner, initiation of disciplinary proceedings after such a long period is unreasonable and violative of principles of fairness. It is submitted that because of the passage of time, the petitioner has suffered serious prejudice in collecting relevant evidence and defending himself effectively in the inquiry.

5. It is further argued that the criminal prosecution and the departmental proceedings are founded upon the same transaction and substantially identical allegations. Learned counsel submitted that the witnesses, documents and evidence in both proceedings are common and, therefore, continuation of departmental proceedings would seriously prejudice the defence of the petitioner in the criminal trial. It is submitted that compelling the petitioner to disclose his defence in the departmental inquiry would adversely affect his rights in the pending criminal case. In support of the aforesaid submission, learned counsel has placed reliance upon the judgment of the Hon'ble Supreme Court in *Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. and Another, (1999) 3 SCC 679* and argued that the Hon'ble Supreme Court has held that where departmental proceedings and criminal proceedings are based upon identical and similar facts and the criminal charge is of grave nature involving complicated questions of law and fact, it would be desirable to stay the departmental proceedings till



conclusion of the criminal case. Learned counsel submits that the allegations levelled against the petitioner are undoubtedly serious and therefore the principles laid down in *Capt. M. Paul Anthony (supra)* squarely govern the present case.

6. Learned counsel has further relied upon the judgment rendered by the Division Bench of this Court in *Yashvant Singh Dhakad Vs. State of Madhya Pradesh and Others, Writ Petition No.47632 of 2025*. It is contended that the power of judicial review can be exercised where disciplinary proceedings are initiated in an arbitrary manner or where the charge-sheet suffers from legal infirmities. It is therefore submitted that the impugned charge-sheet and all consequential proceedings deserve to be quashed.

7. Per contra, learned Government Advocate appearing for the State and learned Counsel appearing for the High Court opposed the writ petition and supported the action of the disciplinary authority. It is submitted that the allegations levelled against the petitioner are of an exceptionally grave nature involving the integrity of a judicial officer. The allegations pertain to preparation of a forged judgment and conferment of unlawful benefit upon an accused person. Such allegations, according to the respondents, strike at the very root of public confidence in the administration of justice and therefore require a thorough disciplinary inquiry.

8. Learned counsel submitted that the writ petition has been filed against a mere charge-sheet. It is argued that at the stage of issuance of charge-sheet, judicial review is extremely limited and ordinarily Courts do not interfere unless the charge-sheet has been issued without jurisdiction or



is wholly without authority of law. The petitioner has adequate opportunity to place his defence before the Inquiry Officer and establish his innocence during the disciplinary proceedings.

9. It is further contended that there is no legal prohibition against simultaneous continuation of criminal proceedings and departmental inquiry. The purpose, scope and standard of proof applicable to the two proceedings are entirely different. While criminal proceedings determine criminal culpability beyond reasonable doubt, disciplinary proceedings are intended to ascertain whether the conduct of the delinquent officer is consistent with service discipline and institutional integrity. In support of the aforesaid submissions, learned counsel placed reliance upon *Mohinder Singh Kanwar Vs. State of Madhya Pradesh and Others (Writ Petition No.12170 of 2021)* wherein this Court reiterated the settled principle that ordinarily a charge-sheet should not be interfered with in exercise of writ jurisdiction and that allegations must be tested during the inquiry itself. Reliance has also been placed upon *Shailendra Pasari Vs. The Coal India Ltd. through its Chairman-cum-Managing Director Coal Bhawan and Others (Writ Petition No.21950 of 2019)* wherein this Court declined interference at an intermediate stage of disciplinary proceedings and reiterated the principle that Courts should not stifle disciplinary action at its inception.

10. Learned counsel further relied upon *Dinesh Awasthi Vs. State of Madhya Pradesh and Others (Writ Petition No.4145 of 2015)* and submitted that delay by itself does not render disciplinary proceedings invalid. Unless actual prejudice is established by the delinquent employee,



disciplinary proceedings cannot be quashed merely on the ground that they were initiated after a lapse of time. It is therefore submitted that the writ petition is devoid of merit and deserves dismissal.

11. We have heard learned counsel for the parties at length and carefully perused the record.

12. The challenge raised in the present writ petition is directed against a charge-sheet issued under Rule 14 of the Rules of 1966. Interference by a writ Court at such a preliminary stage is permissible only in exceptional cases where the authority lacks jurisdiction or where the action is patently arbitrary and contrary to law. The first contention advanced by the petitioner is founded upon the alleged delay in issuance of the charge-sheet. We are unable to accept the submission. The allegations levelled against the petitioner concern preparation of an acquittal judgment of an accused person despite the criminal case not having been lawfully concluded. Such allegations are of the gravest nature and concern the integrity of the judicial institution itself. Matters involving judicial officers necessarily require detailed vigilance scrutiny and careful examination before a decision regarding initiation of disciplinary proceedings is taken. The petitioner has not demonstrated any specific prejudice resulting from the alleged delay. A mere assertion that the defence has been prejudiced cannot be accepted in the absence of any material particulars. In this regard, the decision of this Court in *Dinesh Awasthi (supra)* supports the contention of the respondents. The said judgment recognizes that delay is not by itself sufficient to invalidate disciplinary proceedings and that the Court must examine whether actual



prejudice has been established. In the present case, no such prejudice has been demonstrated.

13. The second and principal contention of the petitioner is based upon the pendency of criminal proceedings. We have carefully considered the judgment of the Hon'ble Supreme Court in *Capt. M. Paul Anthony (supra)*, which has been strongly relied upon by the petitioner. The ratio of the said judgment does not support the broad proposition canvassed by the petitioner. The Hon'ble Apex Court categorically held that there is no bar to simultaneous continuation of criminal proceedings and departmental proceedings. The Court merely observed that where both proceedings are based upon identical facts and the criminal charge is of grave nature involving complicated questions of law and fact, it may be desirable in certain situations to stay the departmental proceedings. The judgment itself further clarifies that departmental proceedings cannot be unduly delayed and that administrative authorities are entitled to proceed with disciplinary action where circumstances so warrant. Therefore, *Capt. M. Paul Anthony (supra)* does not lay down an inflexible rule mandating stay of departmental proceedings in every case where a criminal prosecution is pending. The aforesaid judgment is distinguishable on facts and does not applicable in the case of the petitioner.

14. In the present matter, the allegations concern a member of the judicial service. Public confidence in the judiciary constitutes one of the foundational pillars of the constitutional system. The disciplinary authority is under an obligation to ascertain whether the conduct of a judicial officer



conforms to the standards of integrity and propriety expected from the office held by him. Such inquiry cannot be indefinitely postponed awaiting conclusion of criminal proceedings, the duration of which remains uncertain. The reliance placed upon *Yashvant Singh Dhakad (supra)* is equally misconceived. The said judgment arose in an entirely different factual context and cannot be read as laying down any proposition requiring quashment of a charge-sheet involving serious allegations against a judicial officer. The facts of the present case disclose specific articles of charge supported by statement of imputations, witnesses and documentary material. The charges cannot be described as vague or indefinite. Whether they are ultimately proved or disproved is a matter to be adjudicated during the disciplinary inquiry.

15. On the other hand, the principles laid down in *Mohinder Singh Kanwar (supra)* and *Shailendra Pasari (supra)* fully support the stand of the respondents. The consistent view of this Court is that ordinarily a charge-sheet should not be interfered with and that disciplinary proceedings should be allowed to run their course. The correctness of allegations, sufficiency of evidence and defence of the delinquent employee are matters falling within the domain of the disciplinary authority and not for adjudication in proceedings under Article 226 of the Constitution at the threshold stage.

16. Accordingly, the writ petition being devoid of merit is hereby *dismissed*. The disciplinary authority shall be at liberty to proceed with the departmental inquiry in accordance with law. Any observations made herein are confined to adjudication of the present writ petition and shall not



influence the disciplinary authority while deciding the departmental proceedings on merits.

(ANAND PATHAK)
JUDGE

(B. P. SHARMA)
JUDGE

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