



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Special Appeal Writ No. 105/2026

CNR: RJHC020074352026 | URN: SAW / 255U / 2026

Suresh Sharma, S/o Sh. Ram Niwas Sharma, R/o 239, Rajiv Nagar, Basni, Phase 1, Jodhpur-342005

-----Appellant

Versus

1. State Of Rajasthan, Through Principal Secretary, Public Works Department, Government Of Rajasthan, A-Block, Pwd, Jacob Road, Jaipur-302004
2. Secretary, Department Of Personnel, Government Of Rajasthan, Government Secretariat, Main Building, Bhagwan Das Road, Near Statue Circle, Jaipur - 302005
3. Rajasthan State Road Development Corporation Ltd., Setu Bhawan, Jhalana Doongri, Agra Bye Pass, Jaipur - 302004, Through Its Managing Director.

-----Respondents

Connected With

D.B. Special Appeal Writ No. 109/2026

CNR: RJHC020074332026 | URN: SAW / 263U / 2026

Jitendra Sharma, S/o Sh. Raja Babu Sharma, R/o A2/706, Victoria Palace, Near Aiims Road, Kheme Ka Kauan, Jodhpur-342008.

-----Appellant

Versus

1. State Of Rajasthan, Through Principal Secretary, Public Works Department, Government Of Rajasthan, A-Block, Pwd, Jacob Road, Jaipur- 302004.
2. Secretary, Department Of Personnel, Government Of Rajasthan, Government Secretariat, Main Building, Bhagwan Das Road, Near Statue Circle, Jaipur- 302005.
3. Rajasthan State Road Development Corporation Ltd., Setu Bhawan, Jhalana Doongri, Agra Bye Pass, Jaipur- 302004, Through Its Managing Director.

-----Respondents



For Appellant(s) : Mr. R.P. Singh, Senior Advocate
Mr. Vivek Dangi
For Respondent(s) : Mr. Rajendra Prasad, AG with
Ms. Dhriti Laddha
Ms. Harshita Thakral
Mr. Tanveer Ahmed



HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE SANDEEP TANEJA

Judgment

03/08/2026

I.A. No. 2/2026

1. The matters have come up on an application for early listing.
2. For the reasons stated in the application, the same is allowed.

D.B. Special Appeal Writ Nos.105/2026 & 109/2026

3. With the consent of learned counsel for the parties, these appeals are finally heard.
4. Since the issue involved in these appeals is common which pertains challenge to the charge-sheets issued to the appellants in relation to the damage and fundamental deficiencies of a grave nature in the construction of the new building of the High Court at Jodhpur, they are heard analogously and are being decided by this common judgment.
5. The brief facts first. The respondent No.3, Rajasthan State Road Development Corporation Ltd. (for short, 'RSRDCL'), which is under the administrative control of the Public Works Department (for short, 'PWD'), Government of Rajasthan, was entrusted with the work of construction of the new building of the Rajasthan High Court at Jodhpur. The appellant, namely, Mr. Suresh Sharma, who



was working as an Executive Engineer in the PWD, served as the Project Director in RSRDCL, Unit-II, Jodhpur, from 10.10.2010 to 27.04.2021. The another appellant, namely, Mr. Jitendra Sharma, who was working as an Assistant Engineer in the PWD, served as a Project Officer in RSRDCL during the same period. The respondents, on account of serious deficiencies in the construction of the new High Court building, on 30.05.2025, issued charge-sheets to the appellants under Rule 16 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958. As the appellants were serving as Project Director and Project Officer, respectively, for the said project, the deficiencies were alleged to have occurred due to their culpable negligence.

5.1 The appellants, instead of submitting their respective replies to the charge-sheets, straightaway challenged the same by filing separate writ petitions before this Court, which were dismissed by the learned Single Judge vide the impugned judgments dated 08.01.2026 and 12.01.2026.

5.2 Being aggrieved thereby, the appellants have preferred the present appeals.

6. Learned counsel for the appellants submitted that the charge-sheets issued by the respondents are premature. It is further submitted that the roles of the appellants were confined only to monitoring the civil work, whereas the root cause of the deficiencies is yet to be identified as to whether the damages to the building are attributable to structural deficiencies/defects or to defects in the design. To buttress this argument, learned counsel relied upon various enquiry reports.



6.1 It is further submitted that the charge-sheets have been issued selectively to the appellants. The other officials who were also responsible for supervising the construction work have not been proceeded against.

6.2 Lastly, it is submitted that the charge-sheets issued by respondents are completely vague, as a perusal thereof reveals that no specific allegations have been levelled against the appellants.

6.3 Learned counsel placed reliance upon the following judgments:-

- (i) **Anant R. Kulkarni Vs. Y.P. Education Society & Ors.**, reported in **2013 (6) SCC 515**.
- (ii) **S.S. Darbari Vs. Union of India**, reported in **1999 SCC OnLine Raj 89**.
- (iii) **Sukhraj Singh Vs. High Court of Judicature for Rajasthan**, reported in **1988 (2) RLW 432**.

7. Per contra, learned Advocate General, appearing for the respondents, submitted that the appellants were primarily responsible for ensuring that substandard material was not used and that the contracts were properly executed by the contractors. It is further submitted that the appellants were duty-bound to ensure compliance with the prescribed specifications and to maintain the requisite quality standards.

7.1 It is also submitted that the scope of judicial review in matters relating to charge-sheets and/or disciplinary proceedings is very limited. It is further submitted that, within such limited jurisdiction, this Court cannot undertake an analysis of the enquiry reports relied upon by the learned counsel for the appellants.



7.2 Without prejudice to the aforesaid submissions, learned Advocate General further submitted that even the report of M/s. P.T. Mase & Associates, Nagpur, clearly reveals deficiencies in the construction work. He also submitted that an FIR has been lodged in the matter. It is further submitted that the appellants have merely been issued charge-sheets, which neither give rise to any cause of action nor amount to passing adverse orders. Refuting the contention of the appellants that the charge-sheets are vague, he submitted that charge-sheets specifically refer to certain instances indicating negligence on the part of the supervisory authorities in overseeing the construction work.

7.3 In support of his submissions, he relied on the judgment of the Hon'ble Supreme Court in **Union of India v. Kunisetty Satyanarayana**, reported in **(2006) 12 SCC 28**.

8. Heard learned counsel for the parties and perused the material available on record.

9. The law on the scope of judicial review in matters concerning a challenge to a charge-sheet is well settled. Ordinarily, the Court does not interfere at the stage of issuance of a show-cause notice or a charge-sheet and directs the party to file a reply thereto and participate in the disciplinary enquiry. The Court would interfere with disciplinary proceedings at the preliminary stage only in exceptional circumstances such as if the charge-sheet has been issued with malafide intent or if it is wholly illegal or has been issued without jurisdiction.

9.1 In this regard, it will be profitable to refer to the judgment passed by the Hon'ble Supreme Court in the case of **Kunisetty**



Satyanarayana (supra). The relevant extract is reproduced below:-

"14. The reason why ordinarily a writ petition should not be entertained against a mere show-cause notice or charge-sheet is that at that stage the writ petition may be held to be premature. A mere charge-sheet or show-cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show-cause notice or after holding an enquiry the authority concerned may drop the proceedings and/or hold that the charges are not established. It is well settled that a writ petition lies when some right of any party is infringed. A mere show-cause notice or charge-sheet does not infringe the right of anyone. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, that the said party can be said to have any grievance.

15. Writ jurisdiction is discretionary jurisdiction and hence such discretion under Article 226 should not ordinarily be exercised by quashing a show-cause notice or charge-sheet.

16. No doubt, in some very rare and exceptional cases the High Court can quash a charge-sheet or show-cause notice if it is found to be wholly without jurisdiction or for some other reason if it is wholly illegal. However, ordinarily the High Court should not interfere in such a matter."

(emphasis supplied)

9.2 Further, in the case of **Ministry of Defence Vs. Prabhash Chandra Mirdha**, reported in **(2012) 11 SCC 565** the Hon'ble Supreme Court observed as follows:

"12. Thus, the law on the issue can be summarised to the effect that the charge-sheet cannot generally be a subject-matter of challenge as it does not adversely affect the rights of the delinquent unless it is established that the same has been issued by an authority not competent to initiate the disciplinary proceedings. Neither the disciplinary proceedings nor the charge-sheet be quashed at an initial stage as it would be a premature stage to deal with the issues.





Proceedings are not liable to be quashed on the grounds that proceedings had been initiated at a belated stage or could not be concluded in a reasonable period unless the delay creates prejudice to the delinquent employee. Gravity of alleged misconduct is a relevant factor to be taken into consideration while quashing the proceedings."

10. In light of the above settled legal position, we now proceed to deal with the arguments raised by the learned counsel for the appellants.

11. The first contention of the appellants is that the issuance of charge-sheets is premature, as the root cause of the deficiencies is yet to be identified.

11.1 In the instant case, it is undisputed that, during the relevant period, the appellants were serving as Project Director and Project Officer, respectively, to oversee the construction of the new building of the Rajasthan High Court at Jodhpur. It is also not in dispute that the building suffers from severe defects and fundamental deficiencies.

11.2 It is also relevant to note that various incidents, as mentioned in the statement of allegations, have occurred after the construction of the said building, which are as follows:

- (i) On 20.02.2023 at 6:05 PM, the ceiling of chamber No. 14 collapsed, damaging the false ceiling and other furniture. Similar incidents had previously occurred in Court Nos. 2, 9 and 16 as well as in chamber No. 16, and at various locations within the premises.
- (ii) On 29.04.2023, a small portion of the roof of the dome area collapsed.
- (iii) On 23.06.2023, the plaster of the ceiling in the Civil Miscellaneous Appeal Section fell off, and on 28.06.2023, the



plaster of the ceiling in the Bill Section fell off, causing the false ceiling to also collapse.

(iv) On 12.09.2024, due to rain, water started dripping from the roof in Court Room No.2 and water started coming in from the roof and window in Court No.16, due to which the regular work of the Hon'ble Courts was stopped and the Hon'ble Courts were shifted to other Court Rooms.

(v) In the month of September, 2024 itself, the gypsum board of the false ceiling in the Accounts (Establishment) Branch fell down.

(vi) On 12.09.2024, due to water leakage from the ceiling of Court Room No. 19, the false ceiling got filled with water and the false ceiling collapsed.

(vii) On 24.09.2024, the roof collapsed near the lift located in front of the mediation centre at Gate No.3 on the ground floor.

11.3 The occurrence of the said incidents has also not been disputed by the learned counsel for the appellants. It is also relevant to note that in every inspection report, it was mentioned that the Project Director concerned shall also be ensuring quality of overall work.

11.4 Accordingly, in view of the aforesaid factual position, once it is found that there were serious lapses in construction work, the issuance of charge-sheets by the respondents to the appellants who were working as Project Director and Project Officer, respectively, cannot be faulted.

11.5 The learned counsel for the appellants placed reliance on various enquiry reports to assert that the root cause of





deficiencies is yet to be identified. We are not inclined to examine or analyse the said reports at this preliminary stage as examining the said reports would also entail an evaluation of the sufficiency of the evidence and also going into the merits of the matter which is impermissible as per the settled legal position discussed above.

12. The next argument of the learned counsel for the appellants is that the charge-sheets have been issued selectively against them. The material available on record reflects that the charge-sheets have been issued to nine persons, including the appellants. Therefore, the contention that the appellants have been proceeded selectively is factually incorrect. Moreover, the appellants have not alleged any malafide against any person for selectively issuing charge-sheets to them. Hence, we find no substance in this argument.

13. The last argument of the learned counsel for the appellants is that the charge-sheets are vague as no specific allegations have been levelled against them. We also find no merit in the said argument, for the reasons, *firstly*, the charge-sheets specifically allege negligence on the part of the appellants, and *secondly*, the statement of allegations appended to the charge-sheets specifically refers to all the instances which have already been noticed in paragraph 11.2 above, which indicate the use of substandard material and deficiencies in the construction and negligence on the part of the appellants in discharging their duties. In that view of the matter, it cannot be said that the charge-sheets issued to the appellants are vague.

13.1 In addition to the above, it is also pertinent to mention that in the instant case only charge-sheets have been issued, which do



not adversely affect any right of the appellants, as they have an opportunity to submit their replies thereto and participate in the disciplinary enquiry.

14. The judgments relied upon by the learned counsel for the appellants are also not applicable to the facts of the present case.

In **Anant R. Kulkarni** (supra), the charges were examined on merits, and it was found that the enquiry had not been conducted in accordance with the applicable rules. In the case of **Sukhraj Singh** (supra), the Court, in the peculiar facts and circumstances of that case, found that there was non-application of mind and that the findings were based on no evidence. Insofar as **S.S. Darbari** (supra) is concerned, the charges involved in that case were petty in nature and cannot be compared with the present case, where the charges are grave and serious.

15. As a result of the above discussion, we are of the considered opinion that the case of the appellants does not fall within the exceptional circumstances warranting interference of this Court in its extraordinary discretionary jurisdiction.

16. Consequently, the appeals, being devoid of merit, are dismissed. There shall be no order as to costs.

17. All pending applications, if any, stand disposed of.

(SANDEEP TANEJA),J

58-59/SHAILENDRA KUMAR SINGHAL

(INDERJEET SINGH),J