

Reserved On : 13/08/2026

Pronounced On : 09/10/2026

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 16429 of 2025

=====

ASHA HARISHCHANDRA DAVE

Versus

STATE OF GUJARAT & ANR.

=====

Appearance:

H P BAXI (9459) for the Petitioner(s) No. 1

SHIVANI R MODI(9280) for the Petitioner(s) No. 1

MS. KRISHNA DESAI, AGP for the Respondent(s) No. 1,2

LAW OFFICER BRANCH (420) for the Respondent(s) No. 2

MR GAUTAM JOSHI, SENIOR ADVOCATE with MR HAMESH C
NAIDU (5335) for the Respondent(s) No.2

=====

CORAM:**HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA**

and

HONOURABLE MR.JUSTICE J. L. ODEDRA

CAV JUDGMENT

(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)

1. This petition has been filed by a Senior Civil Judge challenging the order by which she has been imposed with the punishment of dismissal from service.

2. By an order dated 3.10.2012, the petitioner was transferred from Vadodara to Deesa as the 4th Additional Senior Civil Judge. Pursuant to the transfer, she had requested for allotment of a judicial quarter at Deesa and she was informed by the Registry by a letter dated 11.10.2012 that judicial quarters were not available and hence the same could not be allotted to her. She was also informed that she had to make her own arrangements for hiring private accommodation. However, instead of

hiring/ securing her own private accommodation, she sent a letter by fax to the Principal District Judge, Palanpur asking that she be permitted to spend the night on the pavement, permit her to commute from Palanpur to Deesa on daily basis with TA and DA till appropriate arrangements for her accommodation were made and to make arrangements for requisitioning suitable accommodation for her through the Collector. She insisted the Principal District Judge should requisition a private accommodation for her through the Collector.

3. This act of the petitioner resulted in a report being submitted by the Principal District Judge to the High Court and the Standing Committee resolved to place her under suspension.

4. Thereafter, a charge-sheet dated 26.2.2013 was laid against her. The petitioner was charged for the aforementioned conduct and apart from the above, three other charges were made against her.

5. The second charge was that on 20.11.2012, all the Judicial Officers of Deesa had gone to Judges colony at Palanpur for paying a courtesy visit and for exchanging New Year Greetings and the petitioner had also accompanied them. However, while returning, it was found that she continued to stay in the District Court compound holding a grudge against the Principal District Judge, Palanpur. The Judicial Officers had to approach

her in the District Court compound at about 9:30 p.m. and had to persuade her to return to Deesa, during which she exhibited a rigid attitude and thereby created unnecessary controversy and problems.

6. The third charge was regarding her threat to stay on the pavement and spend the entire night in her car in front of the Court complex of Deesa.

7. The fourth charge was regarding her letter addressed to the Principal District Judge seeking permission to spend the night on the pavement, which has already been narrated above.

8. On the charge-sheet being served on her, the petitioner sought for and was granted extension to file her written statement and on her filing the written statement, it was resolved by the Standing Committee to conduct a regular departmental inquiry against her. The Principal District Judge, Banaskantha was appointed as the Inquiry Officer and the District Government Pleader was appointed as the Presenting Officer.

9. At that stage, the petitioner addressed a letter dated 1.8.2013 to the High Court through the Registrar General, whereby she requested the Hon'ble Chief Justice and the other Hon'ble Judges of the High Court to utilize their power and to make a recommendation to transfer a sitting Judge of the High Court.

10. Just prior to this letter, the petitioner also addressed a letter dated 18.7.2013 to the Hon'ble Chief Justice of this Court making reckless, using intemperate, discourteous and undignified language with the *mala fide* intention of lowering the dignity of the Chief Justice. The tone and tenor of the letter was clearly amounting to gross insubordination and an act unbecoming of a Judicial Officer.

11. In respect of both these letters, the Standing Committee resolved to issue a show cause notice to the petitioner. In respect of the reply to the show cause notice relating to the petitioner's request to the Hon'ble Chief Justice to recommend the transfer of the sitting Judge the High Court, it was resolved to conduct a departmental inquiry against the petitioner and proceeded to issue a charge-sheet dated 2.1.2014.

12. In respect of the letter addressed to the Chief Justice, the petitioner addressed letters calling upon the High Court that she should not be made liable for the wide publicity among the members of the bar and that she should be supplied with a copy of the letter that she had addressed to the Chief Justice. This request was rejected and she, ultimately, gave a reply stating that she had already given a defence and had requested to supply the copy. This reply was found to be unacceptable and a

decision was taken to hold a regular departmental inquiry against her. A charge-sheet dated 3.3.2014 was also issued to the petitioner.

13. In response to the charge sheet, the petitioner submitted a reply in respect of the charge-sheet relating to her request for transfer of the sitting Judge to the effect that she had already filed a written statement of defence to the first charge-sheet in Disciplinary Inquiry No.11 of 2013. She also made claims that she should be heard personally and this request was rejected as there was no provision for granting an opportunity of personal hearing at the time of filing of reply.

14. In the third inquiry, the petitioner made six requests for extension of time to file a written statement. She thereafter made a request that the departmental proceedings in relation to the allegation that she had used intemperate language against the Chief Justice be stayed till the disposal of the writ petition. This request was rejected and the departmental inquiry was ordered to be proceeded without there being a written statement of defence.

15. In all the three inquiries, the petitioner did not participate and proceeded to submit one application after the other.

16. In the first inquiry, the petitioner, in fact, submitted letters wherein she stated that she would not proceed further in the inquiry till a request of her meeting with the Hon'ble Chief Justice was not decided. In other words, she refused to participate in the inquiry till she was granted an appointment with the Hon'ble Chief Justice. This request was rejected.

17. As stated above, the petitioner did not participate in the inquiry. In the inquiry, the Inquiry Officer had noted that the petitioner had sought for permission to engage an advocate on 18.11.2013 and permission to engage an advocate was also granted. However, the petitioner, instead of appointing an advocate, had sought for adjournments and ultimately, an advocate was appointed after about one and half years. However, this advocate suffered with an accident and on this basis, once again, adjournments were sought. Ultimately, the request for engaging a counsel was rejected and the petitioner was asked to select an advocate from the panel of the DLSA, Palanpur and one Mr. B.A. Rawat was appointed as her advocate.

18. The petitioner sought for review of this order appointing Mr. B.A. Rawat as her advocate and ultimately, made an endorsement that she did not accept the Vakalatnama and the same was, ultimately,

returned. The Inquiry Officer also noted that she had asked for free and competent legal services and on the list of *pro bono* lawyers submitted to her, she endorsed that none of the advocates was competent to conduct the departmental inquiry. The Inquiry Officer has also noticed that the Legal Service Authority had requested the petitioner to select an advocate from the list but, the petitioner had not selected any advocate despite correspondence made in that regard.

19. These observations would, therefore, indicate that the petitioner did not choose to defend herself through an advocate, though permission was granted to the petitioner.

20. At the stage of recording the plea, the petitioner refused to sign on the plea and made an endorsement to that effect on the form of plea. In fact, the Inquiry Officer has noted that the petitioner had stated that she had asked for personal meeting with the Chief Justice and till that time, she would not sign on the plea and endorsement was made in that plea form and made an endorsement to that effect. It is, therefore, clear and not in dispute that the the petitioner did not participate in any of the three inquiries at all.

21. The High Court examined four witnesses, including an Additional District Judge, an Additional Senior Civil

Judge, the Registrar and the Photographer, in respect of the first charge in the first inquiry and also produced 21 documents (which also included the video footage of the interview given by the petitioner and the newspaper cuttings relating to the incident).

22. In respect of the second charge, the High Court examined the Registrar of the District Court and the Assistant Registrar and produced 04 documents.

23. In respect of the third inquiry, the High Court examined the Registrar of the District Court and the Assistant Registrar and got marked 05 documents, including the letter addressed to the Chief Justice.

24. The Inquiry Officer, on consideration of the evidence that was adduced, came to the conclusion that all the charges made against the petitioner in all the three inquiries had been established and thereafter, proceeded to hold that the charges were proved. This inquiry report of the Principal District Judge in all the three inquiries was furnished to the petitioner.

25. On the basis of the inquiry report, the High Court resolved to issue a second show cause notice to the petitioner as to why the report should not be accepted and the punishment of dismissal from service should not be imposed.

26. The petitioner, in response, sought for time from the day she was provided free and competent legal service by the Legal Services Authority and the same was communicated to her and she should be granted a personal hearing. The request was responded to stating that she was granted three weeks' time to obtain free and competent legal service from the Legal Service Authority and it was also informed to her that the request for personal hearing would be considered after she submitted her reply. The petitioner, thereafter, made a request for granting her permission for inspection of the records of the departmental inquiry and this permission was granted and an extension of 60 days to conduct the inspection was also granted.

27. The petitioner, thereafter, took the stand that her letters dated 31.3.2014 and 7.4.2014 were required to be considered and also that she should be granted permission for a personal hearing. This was however not granted.

28. The petitioner thereafter filed SLP No.15492 of 2017 and in these proceedings, an interim order was granted. The petitioner, thereafter, withdrew the SLP and in the light of the dismissal, she was called upon to remain present on 17.10.2023 for inspection of the records. However, the petitioner did not remain present for

inspection of the documents.

29. The petitioner, however, made an application dated 16.10.2023 for seeking for an adjournment till her restoration application was decided by the Apex Court. This request was rejected.

30. The petitioner, thereafter, made one more application dated 23.11.2023 requesting that her application be forwarded to the Hon'ble Chief Justice of India through the High Court. This application was rejected.

31. On 20.12.2023, the inquiry report submitted by the Inquiry Officer was considered by the Standing Committee and it was noted that despite sufficient opportunities granted to the petitioner, she had not replied to the show cause notices and the Inquiry Officer on the basis of the evidence had found that the charges were established against her and taking into consideration that the charges leveled against her were grave in nature, recommended imposition of a major penalty of dismissal. This recommendation of the Standing Committee was placed before the Full Court and the Full Court on 21.12.2023, resolved to accept the recommendation and decided to impose the punishment of Standing Committee and place the matter before the Government. The Government accepted this

recommendation of the Full Court and proceeded to issue a notification dismissing the petitioner from service. As a consequence, the petitioner is before this Court.

32. Learned counsel for the petitioner Mr. H.P. Baxi made elaborate submissions, principally, contending that the entire inquiry conducted was in violation of the principles of natural justice and that the petitioner was not afforded a fair opportunity for defending herself. The learned counsel placed reliance on the following decisions:

Srl Nos.	Particulars of the Judgments	Citations
01	Rasiklal Vaghajibhai Patel v. Ahmedabad Municipal Corporation and Another	1985 SCC (L&S) 392
02	Krishnadatt Awasthy v. State of M.P.	2025 Supreme (Online) (SC) 10616
03	Yoginath D. Bagde v. State of Maharashtra	(1999) 7 SCC 739
04	State of Uttar Pradesh v. Saroj Kumar Sinha	(2010) 2 SCC 772

33. Mr. Gautam Joshi, learned senior counsel, assisted by Mr. Hamesh C. Naidu, appearing for the High Court, submitted that the entire argument that the inquiry was conducted without affording an opportunity to the petitioner was absolutely incorrect. He pointed out that the petitioner took every possible step to ensure that the that the inquiry was not proceeded with. He pointed out

that despite permission to engage an advocate having been granted the petitioner, she did not choose to avail of the said order. He also submitted that the petitioner being a Judicial Officer by herself was competent to defend herself. He pointed out that on a perusal of the charges leveled against the petitioner, which were not denied by the petitioner, the petitioner did not deserve to be a part of the judiciary and therefore, the order of dismissal could not be found fault with.

34. In support of his submissions, learned senior counsel has placed reliance on the following judgments:

Srl Nos.	Particulars of the Judgments	Citations
01	R.C. Chandel v. High Court of Madhya Pradesh and Another	(2012) 8 SCC 58
02	Shrirang Yadavrao Waghmare v. State of Maharashtra and others	(2019) 9 SCC 144

35. We have considered the submissions made by the learned counsels and also perused the entire record.

36. On perusal of the record, it is clear that the conduct of the petitioner was clearly unbecoming of a Judicial Officer. It is not in dispute that the petitioner did address a letter to the Principal District Judge seeking for permission to spend the night on the pavement and she also made a demand that appropriate accommodation should be provided to her by directing the Collector to

requisition the same. This conduct, by itself, would be proof of serious misconduct and would be sufficient to dismiss the petitioner from service.

37. The said allegations have, in fact, not been explicitly denied and these charges have, in fact, been proved by both oral documentary and video-graphic evidence.

38. If a Judicial Officer decides to threaten the Principal District Judge and threaten to sleep on the pavement if a suitable accommodation was not provided, this conduct would basically be one which would be mocking the entire judiciary and showing the Institution itself in a poor light. In our view, such a conduct, which is not in dispute, renders a Judicial Officer incapable of holding a judicial office and she cannot be permitted to continue in service.

39. We should notice here that a Judicial Officer is provided with a House Rent Allowance (HRA) in case, quarters are not available to enable the judicial officer to avail of a private rented accommodation. There is no rule which mandates that furnishing of a quarter to a judicial officer is a 'must'. The insistence by the judicial officer ought to have been in very humble manner. May be she was swayed by the very strict language employed by Hon'ble Supreme Court in its order passed in Review Petition to the Writ Petition.

40. If the petitioner had the benefit of a House Rent Allowance, she could never have made such a claim that she should be granted a judicial accommodation. In any view of the matter, the petitioner could not have threatened the Principal District Judge of staying on the pavement and thereby drawing public attention and undermining the entire judiciary.

41. The further conduct of the petitioner in addressing a letter calling upon the Chief Justice and other Judges to make a recommendation to transfer a sitting Judge is, on the face of it, obnoxious and despicable. A Senior Civil Judge cannot by any stretch of imagination, address a letter to the Chief Justice and call upon the Chief Justice to make a recommendation for transferring a sitting Judge of the High Court. This conduct is proof of the poor character of the petitioner and also establishes that she is incapable of holding a judicial office. The act of the petitioner, a judicial officer, to call upon the Chief Justice to make a recommendation of a sitting judge of the High Court, would clearly constitute the highest form on indiscipline and also insubordination, which would disentitle her to be a judicial officer.

42. The 3rd inquiry was in relation to a letter addressed by the petitioner, in which the petitioner chose to make obnoxious allegations against the Chief Justice. The

contents of the letter indicate that the petitioner was not only irrational but had gone way beyond the norms of decency in addressing a letter using intemperate language against the Chief Justice.

43. In our view, having regard to the charges levelled against the petitioner, which cannot be in dispute, given the fact that they are based on the letters addressed by the petitioner herself, the orders of dismissal were fully justified. The fact that the petitioner did not choose to avail multiple opportunities to defend herself and chose to stay away from the inquiry proceedings also disentitle the petitioner of any relief.

44. We, therefore, see no reason to interfere with the orders passed by the High Court. The writ petition is therefore, DISMISSED.

Sd/-
(N.S.SANJAY GOWDA,J)

Sd/-
(J. L. ODEDRA, J)

OMKAR