

WBCHCO0033652026



sm

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/67/2026

IA NO:GA/1/2026

RAJENDER KUMAR DUDEJA
Verses
HIGH COURT AT CALCUTTA AND ANR

Mr. Anurag Chaturvedi, Adv.

...for the Appellant

Mr. Joydeep Kar, Sr. Adv.

Mr. Kallol Basu, Adv.

...for High Court Administration

Dr. N. G. Khaitan, Adv.

Mr. Ajit Kumar Mishra, Ld. AGP

Mr. Raj Mohan Chatteraj, Adv.

...for State

CORAM: RAVINDRA VITHALRAO GHUGE, CJ
&
OM NARAYAN RAI, J
Date: 13-10-2026

ORDER (Per Court)

1. The learned Advocate for the Petitioner, Mr. Anurag

Chaturvedi, commenced addressing the Court with a lecture on Judicial discipline, *albeit*, addressing his sermons to the learned Single Judge bench which had delivered the inter-locutory order. Suddenly, the Petitioner, who is a discharged Judicial Officer, without even taking our permission, interrupted the hearing and started addressing the Court.

2. His Counsel Mr. Anurag Chaturvedi, then continued commenting on judicial discipline, and drew our attention to the grounds set out in the Appeal. Learned Counsel for the Petitioner desired that a Division Bench should have heard the Writ Petition. Such contention is purportedly on the basis of some convention which the learned Counsel cannot demonstrate before us.

3. The learned Senior Advocate, representing the High Court, has brought it to our notice that when the learned Single Judge was hearing the Petition, he directed filing of affidavit and production of the record and proceedings of the enquiry, which were not before the Court. This was intended to facilitate a fair hearing in the matter. The discharged Judicial Officer, similar to today's conduct, himself commenced addressing the learned Single Judge and contended that this learned Single Judge should

not hear the matter ,since a Judicial Officer senior to the learned Single Judge, had participated in the disciplinary process. The learned Single Judge was patiently hearing the Petitioner and showed compassion and passed the impugned inter-locutory order.

4. We have perused the grounds formulated in this Appeal. The learned Counsel for the Appellant/Judicial Officer submits that all these grounds have been drafted and prepared by the Appellant himself. We deem it appropriate to reproduce the objectionable grounds averred in the Appeal, especially grounds **IV to IX, XII, XIII, XVI, XX, XXVI and XVII**, as under:-

“IV. For that the Ld. Single Judge erred in law and on facts for failing to consider that in service matters usually Report in the form of affidavit and exception thereto are called for instead of formal affidavit in opposition and therefore calling for affidavits in opposition and reply thereto, without any reason, when Report of the Respondent in form of Affidavit in already on record, will not serve any fruitful purpose except to delay the proceedings.

- V. *For that the Hon'ble Single Judge failed to consider the fact that the matter has already been heard by the coordinate benches on the basis of pleadings filed by the parties and none of the previous/predecessor bench had directed for fresh affidavits.*
- VI. *For that the Hon'ble Single Judge was bound by the decisions of previous coordinate benches and therefore, direction for filing affidavit in opposition and reply thereto without any reason is in conflict with principles of judicial discipline and propriety.*
- VII. *For that the Hon'ble Single Judge erred in law and on facts by not appreciating and following the ratio of judicial discipline and propriety as laid down by Hon'ble Supreme Court in Mary Pushpam Vs Telvi Curusumary & Ors. (2024 SC 12).*
- VIII. *For that proceedings cannot start de novo upon change of determination.*
- IX. *For that the Hon'ble Single Judge did not fix the matter for hearing and kept adjourning the matter even after giving*

respondents 'last chance' on 17.07.2026. Orders dated 17.07.2026 and 07.08.2026 are self-contradictory.

XII. For that the Hon'ble Single Judge failed to consider that the present matter involves important questions for consideration including inter alia utter disregard of Supreme Court directions in conducting disciplinary proceedings in respect of judicial orders passed by judicial officers across the state, application of Judges Protection Act, repeated violations of West Bengal Judicial Service (Classification, Control and Appeal) Rules, 2007 in conducting D.P. against Judicial officers including appointment of Enquiry Officer who is a sitting judge of this Hon'ble Court etc. which can be heard more advantageously by two or judges.

XIII. For that the Hon'ble Single Judge erred in law and fact for failing to distinguish between Judicial Service matters from other service matters and considering such matters like other service matters.

XVI. For that the Hon'ble Single Judge is an Additional Judge of this Hon'ble Court and his confirmation is in hands of the

respondent, therefore, this matter cannot be heard advantageously by the present bench.

XX. For that the Hon'ble Single Judge erred in law and on facts for failing to consider that the petitioner is challenging not merely Enquiry Report submitted by sitting Judge of this Hon'ble Court but also other orders passed on the Administrative side of this Court, viz; chargesheet, show cause notices and entire disciplinary proceedings.

XXVI. For that the Hon'ble Single Judge is the Additional Judge of this Hon'ble Court presiding Single Bench (SB) XXXI whereas Enquiry Officer, namely, Hon'ble Justice Krishna Roy, is a permanent Judge of this Court, who is much senior to the Hon'ble Single Judge, and presently presiding SB XII and therefore impugned order of Ld. Single Judge is also against the principles of service jurisprudence.

XXVII. For that the Hon'ble Single Judge erred in law and on facts by not considering that he had also been in charge of the matters of the court presided by Enquiry Officer consequent upon change of determination in the past, viz; on 28.08.2026. The cause list dated 28.08.2026, reveals the same. For, this

reason, there arises a cause for conflict of interest, and therefore matter needs to be assigned to the different Bench.”

5. Our judicial conscience is shocked by the manner in which the discharged Judicial Officer had drafted the above grounds. The language is most disrespectful. The learned Counsel for the Appellant/Judicial Officer has certified these grounds in the memo of the Appeal. The Appellant has the audacity and courage to take a ground that the learned Single Judge was an Additional Judge and should not have dealt with this matter because the Enquiry Officer, is a serving Judge of this Court, is a confirmed Judicial Officer.

6. Moreover, the earlier learned Single Benches, depending upon the roster assignment / determination had commenced the hearing of the Petition. For some reasons, the arguments did not proceed further and never concluded. The matter was never closed for judgment by any learned Single Bench. After the matter came up before the learned Single Judge whose order dated 11th September, 2026 is assailed in this Appeal, he assigned reasons for proceeding with the matter which was listed before him as per the determination.

7. The impugned order indicates that eventually the Petitioner/Appellant/Judicial Officer before us, addressed the learned Single Judge and did not make a submission that he does not have confidence in the Court. Moreover, there was neither any conflict of view which was cited before the learned Single Judge, nor any rule was cited from the Original Side Rules of this Court, so as to seek reference of this matter to a Division Bench. In these circumstances, we do not find that the learned Single Judge has erred in passing the impugned order.

8. We, however, take exception to the language used by the Judicial Officer, who has himself drafted the grounds in this Appeal, in making comments on a Judge of this Court. The most inappropriate ground amongst all the reproduced grounds is that the learned Single Judge is an Additional Judge of the High Court and his confirmation is in the hands of the Respondent High Court. Therefore, this matter cannot be heard advantageously by his Bench.

9. We find the above conduct of the Judicial Officer to be an attempt to resort to forum shopping for avoiding the learned Single Judge who passed the impugned order. Such conduct is contemptuous.

10. We were about to issue notice under the Contempt of Courts Act to the Appellant / Judicial Officer, who is present in the Court. However, the learned Counsel representing the Appellant submits that an unconditional apology would be tendered and henceforth, such intemperate and inappropriate language would not be used by the Appellant in framing grounds for challenging any order. We are granted a pass-over for an hour to the Appellant to prepare an Affidavit to be tendered to the Court tendering an unconditional apology.

11. After this matter was called out at the end of the board at 1:10 p.m., the learned Counsel for the Appellant tendered an Original Affidavit dated 13.10.2026, which is signed and affirmed by the Appellant (two pages). The same is taken on record and marked as ‘X’ for identification.

12. Considering the above, since the Appellant has tendered an unconditional apology and has withdrawn all the unwarranted contentions from the Memorandum of Appeal, we are refraining from issuing notice under the Contempt of Courts Act to the Appellant. We, however, deem it appropriate to record that if in future, in any proceeding before any Court, the Appellant / Judicial Officer, Shri Rajender Kumar Dudeja, resorts to the use of such language, which is unconscionable and cannot be countenanced,

qua a judicial officer or the Court, this order would be taken into account by the concerned Court/Authority if Contempt of Court proceedings are initiated and his conduct would be treated as an act of aggravated contempt.

13. We have dealt with the submissions of the learned Counsel for the Appellant, the grounds set out and have also analysed the order of the learned Single Judge. We do not find that the impugned order could be said to be perverse or erroneous. **This Appeal is, therefore, dismissed.**

14. **The Interim Application/Civil Application, if any, is disposed off.**

15. The Registry is directed to place a photostat copy of the Affidavit 'X', before the learned Single Judge in **WPO No.101 of 2025.**

(OM NARAYAN RAI, J.)

**(RAVINDRA V. GHUGE)
(CHIEF JUSTICE)**