



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



S.B. Civil Writ Petition No. 19743/2026

CNR: RJHC020820812026 | URN: CW / 41218U / 2026

Surendra Sharma S/o Late Shri Shyam Lal Sharma, Aged About
61 Years, R/o 8/359, Vidhyadhar Nagar, Jaipur.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Additional Chief Secretary, Department Of Home, Secretariate, Government Of Rajasthan, Jaipur.
2. The Director General Of Police, Police Head Quarter, Lal Kothi, Jaipur.
3. The Principal Secretary, Department Of Personnel, Government Secretariate, Government Of Rajasthan, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Tarun Jaiman

JUSTICE ANOOP KUMAR DHAND

Order

30/09/2026

1. By way of filing the instant writ petition, a challenge has been led to the charge-sheet issued to the petitioner under Rule 16 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 (for short, 'the Rules of 1958').
2. Learned counsel for the petitioner submits that a vague charge-sheet has been issued and served upon the petitioner by the respondent-department, wherein it has been alleged that bribe was demanded by the petitioner, but no date, time and description of the incident has been narrated in the charges and the other charges are sheer repetition of charge No.1. Counsel further



submits that with regard to the same set of allegations, an FIR has been registered by the respondent-department against the petitioner bearing No.19/2025 with the Anti Corruption Bureau, Jaipur under Section 7, 7A, 8, 11 and 12 of the Prevention of Corruption (Amendment) Act, 2018 (for short, 'the Act of 2018').

3. Counsel submits that with regard to the similar allegations, the respondent-department cannot be permitted to take two recourse against the petitioner i.e. one by lodging a criminal case; and another by serving a departmental charge-sheet upon him. The aforesaid stand of the respondent-department is contrary to the proposition of law, as laid down by the Hon'ble Apex Court in the case of **Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd. and Anr.** reported in **1999 (3) SCC 679**. Counsel has further placed reliance upon the judgment passed by the Hon'ble Apex Court in the case of **Shri Anant R. Kulkarni vs. Y.P. Education Society and Ors. (Civil Appeal No.3935/2013)** and **Surath Chandra Chakrabarty vs. State of West Bengal** reported in **1970 (3) SCC 548**. Hence, interference of this Court ins warranted.

4. Heard and considered the submissions made at the Bar and perused the material available on the record.

5. Perusal of the record indicates that a charge-sheet under Rule 16 of the Rules of 1958 has been served upon the petitioner with multiple charges, including a charge that certain bribe was demanded by him in discharge of duties and same amounts to a misconduct under Rules 14 and 15 of the Rajasthan Civil Services (Conduct) Rules, 1971. One of the charges levelled upon the petitioner is that he gave protection to the persons involved in



illegal excavation of *Bajri* and the entire demand of bribe was made in connivance with the private persons through telephonic conversations.

6. It is settled proposition of law that the correctness of the allegations levelled in the charge-sheet cannot be examined by this Court under its inherent writ jurisdiction contained under Article 226 of the Constitution of India. The meticulous examination of the charges and the defence of the accused would be looked into by the Enquiry Officer and the Disciplinary Authority at the appropriate stage of the inquiry.

7. So far as the second submission of the counsel for the petitioner is concerned that charge-sheet under Rule 16 of the Rules of 1958 could not be served upon him, when FIR with regard to the same set of allegations has been levelled against the petitioner, the Hon'ble Apex Court in the case of **Stanzen Toyotetsu India Private Limited vs. Girish V. and Others** reported in **2014 (3) SCC 636** has taken a view that registration of FIR against the delinquent and departmental proceedings against the same delinquent are two different proceedings, which can be allowed to run concurrently, as in the FIR, the accused can be prosecuted if the charges are found to be proved against him, whereas in the departmental inquiry, the delinquent can be punished in case the charges are found proved against him, as the standard of proof is one of preponderance of probability. There is no legal bar to the holding of the disciplinary proceedings and the criminal trial simultaneously.

8. In the case of **State of Orissa Vs. Sangram Keshari Misra** reported in **(2010) 13 SCC 311**, the Hon'ble Apex Court has





held that normally a charge-sheet is not quashed prior to conclusion of the enquiry on the ground that facts stated in the charge are erroneous for the reason that finding correctness or truth of the charge is the function of the disciplinary authority.



9. In the considered opinion of this Court, a writ petition generally does not lie against the charge-sheet unless it is established that the same had been issued by an authority not competent to initiate the disciplinary proceedings. It is a settled law that charge-sheet cannot be interfered with by the Court lightly or in a routine manner. The delinquent employee instead of seeking quashing of the charge-sheet, at the initial stage must submit his/her reply before the Enquiry Officer /Disciplinary Authority and wait for conclusion of the proceedings.

10. In view of the above, the instant writ petition stands disposed of granting liberty to the petitioner to raise all his available defence before the Enquiry Officer/Disciplinary Authority, which have been raised by him in this writ petition.

11. Stay application and all application(s) (pending, if any) also stand dismissed.

(ANOOP KUMAR DHAND),J

KuD/19