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

S.B. Civil Writ Petition No. 5458/2026
CNR: RJHC020279102026 | URN: CW / 11979U / 2026

Rajasthan High Court
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Paramvir Son Of Shri Ram Bharosi, Aged About 29 Years, Resident Of Gram Char Thok Jhagina, Tehsil And District Bharatpur.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Additional Chief Secretary, Home Department, Government Of Rajasthan, Government Secretariat, Jaipur.
2. Director General Of Police, Headquarters Rajasthan, Jaipur.
3. Inspector General Of Police, Bharatpur Range Bharatpur.
4. Superintendent Of Police, Bharatpur District Bharatpur.

----Respondents

For Petitioner(s) : Mr. Ashok Bansal, Adv. with
Mr. Ayush Bansal, Adv.
Mr. Pawan Sharma, Adv.

For Respondent(s) : Mr. Somitra Chaturvedi, Dy.G.C. with
Mr. Munendra Singh Fauzdar

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

Order

29/10/2026

1. By way of filing the instant petition, a challenge has been led to the impugned order dated 23.02.2026, passed by the respondent No.4, by which the petitioner has been dismissed from his service by the respondents in exercise of the provisions contained under Rule 19(ii) of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 (for short "the Rules of 1958).

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2. Learned counsel for the petitioner submits that the petitioner was appointed on the post of Constable vide order dated 10.01.2025, passed by the respondent No.4 on the basis of the regular selection conducted by the respondents. Around a year after his appointment, an allegation was levelled against him that the petitioner, along with another delinquent-Sonu Kuldeep Singh, has brought a girl to his government residential quarters on his motorcycle. The information in this regard was sent to the concerned SHO Police Station, Bhusawar. Thereafter, the family persons of the said girl came to the concerned police station and lodged a report.

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3. Learned counsel for the petitioner submitted that for the aforesaid alleged act and misconduct of the petitioner, along with co-delinquent-Sonu Kuldeep Singh, they were placed under suspension vide impugned order dated 23.02.2026 under Rule 19(ii) of the Rules of 1958. Learned counsel submitted that while passing the impugned suspension order, the concerned Superintendent of Police, Bharatpur was of the view that looking to the serious allegations levelled against the petitioner, a disciplinary inquiry would be expected. Learned counsel submitted that instead of conducting disciplinary inquiry against the petitioner in terms of the applicable provision of law, the respondents have invoked the powers contained under Section 19(ii) of the Rules of 1958. No reasons have been assigned for passing such order. The impugned order amounts to a stigmatic order having serious impact on the career of the petitioner. An inquiry with regard to allegation of misconduct or indiscipline against the petitioner should have been conducted to ascertain

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whether the alleged act of the petitioner is against the dignity of police officials. Learned counsel further submitted that unless and until inquiry is conducted into the allegations levelled against the petitioner, the impugned suspension order cannot be passed and the same is liable to be quashed and set aside. In support of his contention, learned counsel for the petitioner has relied upon the following judgments:

(i) **Dipti Prakash Banerjee Versus Satyendra Nath Bose National Centre For Basic Sciences, Calcutta and Others** reported in **1999 SCC (L& S) 596.**

(ii) Satyendra Singh S/o Shri Giriraj Prasad versus State of Rajasthan & Ors. while deciding **S.B. Civil Writ Petition No. 1737/2008** vide Order **dated 17.05.2017** of the Division Bench of this Court.

(iii) **State of Rajasthan & Ors. versus Satyendra Singh S/o Shri Giriraj Prasad** while deciding **D.B. Special Appeal Writ No. 1383/2017** vide order **dated 18.12.2017** of the Co-ordinate Bench of this Court.

(iv) **Madhav Hari Goyal S/o Shri Rakesh Kumar versus Bank of India & Ors**. while deciding **S.B. Civil Writs No. 8977/2016** vide order **dated 05.12.2018** of the Co-ordinate Bench of this Court.

(v) **Laxman Singh S/o Shri Inder Singh versus State of Rajasthan & Anr.**, while deciding **S.B. Civil Writ Petition No. 14338/2019** vide **order dated 05.10.2021** of the Co-ordinate Bench of this Court.

4. *Per contra*, learned counsel appearing on behalf of State-respondent opposed the aforesaid arguments and submitted that

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looking to the aforesaid alleged act of the petitioner and co-delinquent-Sonu Kuldeep Singh, the department was of the view that the said act falls within the domain of serious misconduct which has negatively affected the image and dignity of the police department in the society. Under such circumstances, the inquiry was not conducted and the respondents have rightly invoked the powers contained in Rule 19(ii) of the Rules of 1958. He further submits that the petitioner has not completed his probation period. Hence, his circumstances cannot be treated at par with that of a regular employee, and an inquiry under Rule 16 of the Rules of 1958 is not required to dispense with his services. He submits that in terms of Rule 38A of Rajasthan Police Service Rules, 1954 (for short the Rules of 1954), the service of a probationer can be dispensed with/terminated, or he can be discharged of his services if the same are found to be unsatisfactory. Learned counsel submits under these circumstances, interference of this Court is not warranted and the instant writ petition is liable to be rejected.

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

6. Perusal of the record indicates that at the time of passing of the impugned order, the petitioner was working on the post of Constable on probation basis and his services had not been regularized yet. Looking to the aforesaid alleged act of the petitioner and treating the same as misconduct his part, the petitioner has been dismissed from his services by holding that the aforesaid alleged act has negatively affected the image and dignity of the police force in the society.

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7. It is settled proposition of law that whenever the authorities concerned are of the view that the provisions contained under Rule 19 of the Rules of 1958 are liable to be invoked, then the mandate contained under the said Rule is required to be followed. For ready reference, the provision contained under Rule 19 are produced as under:

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> "**19. Special procedure in certain cases.**– Notwithstanding anything contained in rules 16, 17 and 18,
> (i) where a penalty is imposed on a Government Servant on the ground of conduct which has led to him conviction on a criminal charge; or
> (ii) where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said rules; or
> (iii) Where the Governor is satisfied that in the interest of the security of the State, it is not expedient to follow such procedure, the disciplinary Authority may consider the circumstances of the case and pass such orders as it deems fit.
> Provided that the Commission shall be consulted before passing such orders in any case in which such consultation is necessary.
> ***Note:***–If any question arises whether it is reasonably practicable to give any person a opportunity of showing cause under clause (2) of Article 311 of the Constitution, the decision thereon of the authority empowered to dismiss, or remove such person or to reduce him in rank, as the case may be, shall be subject to only one appeal to the next higher authority."

8. Rule 19 of the Rules of 1958 deals with the special procedure to be followed in certain cases. Sub-rule (i) of Rule 19 deals with the situation where a penalty is imposed upon a Government servant on the ground of conduct which has led to his conviction on a criminal charge. Sub-rule (ii) covers the scenario where the

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disciplinary authority may dismiss the service of such employee if it is satisfied that it is not reasonably practicable to follow the procedure prescribed under Rules 16, 17 and 18 of the Rules of 1958.

9. In the instant case, no specific reasons have been assigned and a straightaway, the services of the petitioner have been dismissed by making stigmatic remarks against him, which may affect his future service career. But at the same time, this Court cannot lose sight of the provision that in case the services of any probationer are not found to be satisfactory, then appropriate action can be taken against him in terms of Rule 38A of the Rules of 1954.

10. Perusal of the impugned order reveals that no such order has been passed against the petitioner, who is stated to be a probationer, in terms of Rules 38A of the Rules of 1954. The respondents have invoked the provisions contained under Rule 19(ii) of the Rules of 1958, without assigning any justified reasons for the same in writing. On this count alone, the impugned order is not found to be tenable and is liable to be and is hereby, quashed and set aside.

11. The instant writ petition stands disposed of by issuing directions to the respondents to reinstate the petitioner back in service, while granting him notional benefits, but not the consequential benefits.

12. The stay application and all pending applications, if any, also stand disposed of.

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13. Needless to observe that the respondents would be at liberty to proceed against the petitioner in terms of the provisions contained under the rules applicable upon the petitioner.

(ANOOP KUMAR DHAND),J

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