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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE ASHISH SHROTI

WRIT PETITION No. 50553 of 2025

DR. GIRJA SHANKAR GUPTA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Prashant Sharma - Advocate for the petitioner.

Shri Dharmendra Nayak- Govt. Advocate for the State.

Shri D.P. Singh- Advocate for the respondent no.3

Shri Chandra Prakash Sharma- Advocate for the respondent no.4 & 5.

Reserved on : 29-01-2026

Pronounced on : 17-02-2026

ORDER

The petitioner has filed this writ petition praying for the following reliefs.

"i. That, the charge-sheet dated 30-10-2025 issued against the petitioner and its consequential proceedings may kindly be quashed, and/or;

ii. That, the respondents be directed to Restore the charge of Superintendent in the favor of petitioner, and/or

iii. That, the enquiry officer be directed to submit all the documents annexed with the charge sheet duly certified by the issuing officer.



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iv. That, the respondents be directed to permit the petitioner to peruse his original recruitment file and the entire record of his recruitment be supplied to the petitioner duly certified by the Dean GRMC Gwalior

v. Cost of the petition may kindly be awarded to the petitioner.

vi. That the inquiry report Annexure-P/19 prepared by the respondents may kindly be quashed."

[2]. The facts necessary for decision of this case are that the petitioner was appointed as Superintendent (*Adhikshak*) in Super Speciality Hospital namely- Gajara Raje Medical College (GRMC), Gwalior- respondent no.3 (hereinafter referred as 'College') on 06.08.2019, (Annexure P/1). He has been working as such on the said post.

[3]. It appears that some complaint was received with regard to the petitioner securing appointment based upon false documents. For the purposes of decision of this case, it is sufficient to mention that initially a show-cause notice was issued to the petitioner on 31.7.2025 asking him to submit his explanation within 10 days in respect of aforesaid allegation regarding his appointment. The petitioner submitted his response. He made an application under the Right to Information Act, 2005, whereby he sought documents relating to his recruitment vide application dated 30.07.2025. As per the petitioner's submission, he made repeated applications to the Dean of the College as also to the Enquiry Officer asking for documents regarding his recruitment which are questioned in the show-cause notice. However, the documents are not yet supplied to him.



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[4]. It is not in dispute that the respondent no.4, Dr. K.P. Ranjan, who is working as Professor, Microbiology Department in the College, has been appointed as Enquiry Officer, while respondent no.5, Shri Anil Shastya, working as Associate Professor, Anatomy Department of the College, has been appointed as Presenting Officer. Earlier, a charge-sheet was served upon the petitioner on 21.11.2025 in (Annexure P/6), which was issued with the joint signatures of Enquiry Officer and Presenting Officer i.e. respondent no.4 & 5. The petitioner was asked to submit his reply to the charge-sheet within 10 days. The petitioner again made an application before the Enquiry Officer seeking the documents on the basis of which the charges have been framed, vide application dated 01.12.2025. Later on, the Enquiry Officer furnished a letter, dated 16.12.2025 (Annexure P/12), wherein he withdrew the charge-sheet dated 21.11.2025 on the ground that the Dean of the College has already issued a charge-sheet to him on 30.10.2025. A copy of the charge-sheet dated 30.10.2025, stated to have been issued by the Dean, was also supplied to the petitioner alongwith the said letter. The petitioner immediately responded to the said letter on 18.12.2025, specifically denying the fact that the charge-sheet dated 30.10.2025 was ever served to him. He again requested for supply of relevant documents.

[5]. It is gathered from the records that the Enquiry Officer asked the petitioner to participate in the inquiry, and the petitioner adhered to his request for supply of documents and accordingly did not participate in the inquiry. Ultimately, the Enquiry Officer has concluded the enquiry *ex-parte* and submitted his report dated 31.12.2025 before the Dean of



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the College. The Dean furnished the copy of the report to the petitioner vide letter dated 05.01.2026 (Annexure P/19). The petitioner has been asked to furnish his explanation to the findings recorded by the Enquiry Officer within seven days. A perusal of the inquiry report shows that the same has been prepared under the joint signatures of Enquiry Officer and Presenting Officer i.e. respondent no.4 & 5.

[6]. The petitioner has challenged the very initiation of the enquiry as also the subsequent conduct of the departmental enquiry and the report submitted by the Enquiry Officer and Presenting Officer. The challenge has been made on the ground that:

"(i) The charge-sheet has been issued to the petitioner by the Dean of the college, who is not competent to issue the same, inasmuch as under the Rules of 2018, it is the Commissioner, Medical Education, who is competent to issue the charge-sheet.

(ii) The action has been initiated from the inception by the respondents with a predetermined mind.

(iii) The charge-sheet was initially issued by the Inquiry Officer and the Presenting Officer, which has been subsequently withdrawn on the ground that the charge-sheet was already issued by the Dean of the college. The inquiry report has also been submitted with the joint signatures of the Inquiry Officer and the Presenting Officer, which shows that the action taken against the petitioner is not impartial.

(iv) The charge-sheet dated 30-10-2025, said to have been issued by the Dean of the college, was never served to the petitioner and has been served for the first time along with the memo dated 16.12.2025, whereby the Inquiry Officer withdrew the charge-sheet issued by him earlier.



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(v) The documents on the basis of which the charges have been framed against the petitioner are not supplied to him, despite repeated requests.

(vi) The petitioner has also not been permitted to peruse the original file regarding his recruitment.

(vii) The inquiry report was not served upon the petitioner by the Inquiry Officer; rather, he submitted it to the Dean of the college, who has forwarded the copy of the report to the petitioner."

[7]. Learned counsel for the petitioner argued at length regarding the impugned action initiated against the petitioner. He referred to the proceedings of the Executive Committee held on 12.07.2025, wherein the matter regarding initiation of action against the petitioner was resolved to be placed before the Saadhikar Samiti. He further submitted that on the same day i.e. on 12.07.2025, Saadhikar Samiti resolved to initiate action against the petitioner for his removal from service. He thus submitted that the decision has already been taken to remove the petitioner from service and, therefore, the entire action initiated is an eyewash. Learned counsel referred to the proceedings of Saadhikar Samiti dated 12.07.2025 to show that the quorum of the Samiti was not complete. As submitted by him, out of six members, three were absent. The petitioner was the fourth member. Thus, in substance, the proceedings were signed by two members only, one of whom was the Dean, who is already prejudiced against the petitioner. Learned counsel thus submitted that for want of quorum of the Sadhikar Samiti, the resolution dated 12.07.2025 is illegal and cannot be acted upon.

[8]. Learned counsel for the petitioner then referred to Madhya Pradesh Super Specialty Hospital Chikitsa Shikshak Seva Niyam, 2018,



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(in short “Super Specialty Hospital Rules of 2018”) to say that the Dean is not the competent authority for purposes of taking disciplinary action against the petitioner. Rather, under Rule 11.4 of these Rules, it is the Divisional Commissioner who is the competent authority. He further submitted that vide notification dated 23.10.2024 (Annexure P/22), the Divisional Commissioner has been substituted by the Commissioner of Public Health & Medical Education Department, as the authority competent to take action against the petitioner. He thus submitted that the entire initiation of inquiry by the Dean of the College, including the charge-sheet dated 30.10.2025, is without jurisdiction and cannot be proceeded with.

[9]. Learned counsel for the petitioner further questioned the impartiality of the Enquiry Officer and submitted that respondent no.4, who is appointed as Enquiry Officer, has been acting in collusion with respondent no.5 i.e. the Presenting Officer. To substantiate his arguments, he submitted that initially, on 21.11.2025, a charge-sheet was served upon the petitioner with the joint signatures of respondent no.4 & 5. As per his submission, the Enquiry Officer is not competent to issue charge sheet unless he is also the disciplinary authority. He further argued that the enquiry report submitted on 31.12.2025 is again signed by respondent no.4 & 5, which shows that the Enquiry Officer is not impartial and acting in collusion with the Presenting Officer. Learned counsel also argued that despite repeated demands made by the petitioner to the Dean of the College as also to the Enquiry Officer, the necessary documents which are referred to in the charge-sheet, are not



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supplied to him, nor was he permitted to peruse the original file regarding his recruitment. It is his submission that the petitioner has not been afforded adequate opportunity of defending himself in the inquiry. Learned counsel thus prayed for quashment of the entire proceedings, including the charge-sheet and the enquiry report submitted by respondent no.4 & 5.

[10]. On the other hand, Shri D.P. Singh, learned counsel for respondent no.3, supported the action taken against the petitioner. He vehemently argued that there is a serious charge of securing employment on the basis of false documents levelled against the petitioner, which is required to be inquired into. As per his submission, the petitioner has successfully avoided participating in the enquiry under the garb of non-supply of necessary documents whereas the documents demanded by him have already been supplied to the petitioner during the course of enquiry.

[11]. Learned counsel further submitted that the petitioner is not governed by the Super Specialty Hospital Rules of 2018, but is governed by the Madhya Pradesh Swasth Chikitsa Mahavidyalaya Chikitskiya Seva Adarsh Niyam, 2018 (in short “Autonomous College Rules of 2018”) wherein under Rule 13.4, the Dean of the College is the authority competent to take disciplinary action against the petitioner. Learned counsel submitted that the Super Specialty Rules of 2018 are applicable only to Medical Teachers, whereas the petitioner does not belong to the said category and therefore is governed by the Autonomous College Rules of 2018. He thus submitted that under the



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Autonomous College Rules of 2018, the matter is not even required to be placed before the Saadhikar Samiti.

[12]. The learned counsel further justified the resolution passed by the Saadhikar Samiti on 12.07.2025. He also submitted that the Enquiry Officer as also the Presenting Officer are basically the doctors by profession and are not well-versed with the disciplinary enquiry procedure. It is only an act of omission that the charge-sheet and inquiry report were issued under the joint signatures of respondent no.4 & 5. As per his submission, the entire disciplinary proceedings have been impartially conducted by respondent no.4 alone, and mere signing of the report by the Presenting Officer would not vitiate the proceedings. Learned counsel also submitted that since the Dean of the College had already issued the charge-sheet on 30.10.2025, the charge-sheet erroneously issued under the joint signatures of respondent no.4 & 5 on 21.11.2025 was rightly withdrawn on 16.12.2025. He, therefore, submitted that since the petitioner failed to participate in the departmental enquiry without any justification, the Enquiry Officer was constrained to proceed *ex parte* against him and to submit *ex parte* report. Learned counsel submitted that the petitioner still has opportunity to put forth his case by submitting reply to the show-cause notice issued by the Dean of the College on 05.01.2026.

[13]. Learned counsel for the respondent no.3 also placed reliance upon the Apex Court judgment in the case of State of **Rajasthan Vs. Bhupendra Singh** reported in **2024 SCC Online 1908** with regard to the scope of interference of this Court in the disciplinary matters.



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[14]. Sri C.P. Sharma, learned counsel appearing for respondent no.4 & 5, adopted the arguments of counsel for respondent no.3. In addition, he submitted that the entire proceedings have been conducted by the Enquiry Officer impartially and merely because the report is signed by the Presenting Officer also, does not vitiate the proceedings.

[15]. No other point is pressed by counsel for respective parties.

[16]. Considered the arguments and perused the record.

[17]. Before advertng to the facts of this case and the issues raised by learned counsel for the parties, it is profitable to mention here that the enquiry initiated against the petitioner is still not complete and the petitioner has been called upon to submit his explanation to the findings recorded in the departmental enquiry. The petitioner alleges non-supply of documents while the respondents alleges that the relevant documents are already supplied to him. This becomes a factual dispute which needs to be addressed by the disciplinary authority while considering the response of petitioner to the enquiry report. Therefore, the lengthy arguments advanced by learned counsel for the petitioner with regard to non-supply of documents and denial of opportunity of hearing are premature at this stage and does not call for consideration by this Court. The petitioner is extended liberty to raise these grounds at appropriate stage before appropriate authority. Thus, the consideration in this order is confined to the challenge to the charge-sheet on the ground of competence of Dean and validity of the enquiry conducted by the Enquiry Officer i.e. respondent no.4.



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[18]. Competence of Dean to issue charge sheet:

The learned counsel for the petitioner rely upon Super Specialty Hospital Rules of 2018 to say that the Commissioner, Medical Education is the competent authority by virtue of Rule 11.4 and therefore the charge-sheet issued by Dean of the College and the enquiry conducted pursuant to such charge sheet, is without competence and illegal.

[19]. On the other hand, as per submission of learned counsel for respondent no.3, the petitioner is governed by the Autonomous College Rules of 2018. Under these rules, by virtue of Rule 13.4, the Chief Executive Officer/Dean of the College is the competent authority to take disciplinary action against the petitioner.

[20]. Therefore, the issue for consideration is as to which Rules are applicable in the present case.

[21]. As per its Rule 2.1, the Super Specialty Hospital Rules of 2018 are applicable on the Medical Teachers appointed from time to time in autonomous colleges. Rule 2.1, being relevant in this regard, is reproduced hereunder:

“ये नियम सरकार के चिकित्सा शिक्षा विभाग द्वारा समय-समय पर स्वाशासी महाविद्यालय के अधीन सुपर स्पेशलिटी अस्पताल के लिए स्वीकृत चिकित्सा शिक्षक के पदों के संबंध में लागू होंगे।”

[22]. The term “Medical Teacher” is defined under Rule 3.5 as:

“चिकित्सा शिक्षक से अभिप्रेत है अनुसूची-एक में विनिर्दिष्ट किसी पद के विरुद्ध नियुक्त व्यक्ति।”



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[23]. Thus, a joint reading of Rules 2.1 & 3.5 reveals that the rules are applicable on the persons holding the posts named in Schedule-1 of these Rules. Rule 4.1 classify the posts and the salary for the said post as prescribed in Schedule-I while Rule 4.3 provides for the requisite qualifications for appointment on the post as prescribes in Schedule-II. A perusal of Schedule-1 shows that there is one post of Superintendent which carries monthly lumpsum fixed pay of Rs.3 lakh. Further, Schedule-II prescribe requisite qualification for the post of Superintendent as Post Graduation Degree from recognized Medical College/Institute and 10 years administrative experience.

[24]. Likewise, as per its Rule 2.1, the Autonomous College Rules of 2018 are applicable on Medical, Para-Medical and Nursing Staff of autonomous Colleges which are sanctioned by Govt. of Madhya Pradesh from time to time. Rule 2.1 reads as under:

“2. प्रयुक्ति—

2.1 ये नियम मध्यप्रदेश शासन के चिकित्सा शिक्षा विभाग द्वारा समय-समय पर स्वशासी चिकित्सा महाविद्यालय के लिए स्वीकृत चिकित्सकीय, परिचारिका एवं सह चिकित्सकीय पदों के संबंध में लागू होंगे”

[25]. The classification of various posts, their pay scales are given in Section- A of Schedule-I while requisite qualification for the posts is given in Section-A of Schedule-III. A perusal of Section-A of Schedule-1 shows that there are 3 posts of Superintendent which carries Pay Band of 15600-39100 + 5400 GP. Further, Section-A of Schedule-III prescribe requisite qualifications for the post of Superintendent as M.B.B.S. Degree, Degree/Diploma in Hospital Management/Administration &



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experience of having worked on the post of Superintendent in any Govt./Private Hospital.

[26]. It is thus seen that the post of Superintendent is available under both set of Rules, however, the pay scale/salary attached to this post as also the requisite qualifications are different for this post under different rules. For convenience, the comparative table of post of Superintendent under both the Rules is given hereunder:

Name of Rules	Name of Post	Pay Scale/Pay	Requisite Qualification
Super Specialty Hospital Rules of 2018.	Superintendent	Rs.3 lakh lumpsum per month	Post-Graduation Degree from recognized Medical College/Institute and 10 years administrative experience.
Autonomous College Rules of 2018.	Superintendent	15600-39100+ 5400 GP	M.B.B.S. Degree, Hospital Management/Administration Degree/Diploma & experience of having worked on the post of Superintendent in any Govt./Private Hospital.

[27]. The petitioner was appointed as Superintendent vide order, dated 06.08.2019, (Annexure P/1) in the Pay Band of 15600-39100 + 5400 GP. Pertinently, the appointment order has been issued by CEO/Dean of the College who is the appointing authority under Rule 3(ख) of



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Autonomous College Rules of 2018. The petitioner is thus governed by Autonomous College Rules of 2018 and not by Super Speciality Hospital Rules of 2018.

[28]. As per Rule 13.4 of Autonomous College Rules of 2018, CEO/Dean of the College is the authority competent to take disciplinary action against the petitioner while the Executive Committee is the Appellate Authority. The CEO/Dean of the College was thus competent to take disciplinary action and issue charge sheet against the petitioner. Further, it is seen that under Autonomous College Rules of 2018, there is no requirement to place the matter before the Sadhikar Samiti and, therefore, even if there was any defect in constitution of Samiti on 12.07.2025, the same is inconsequential inasmuch as the Dean himself was competent to take a decision regarding taking of disciplinary action against the petition.

[29]. In view of the aforesaid discussion, the challenge to the enquiry and the charge sheet on the ground of competence of Dean of the College is not acceptable. The objection raised in this regard by petitioner's counsel is thus rejected.

[30]. Service of charge sheet to the petitioner:

The charge sheet issued by Dean on 30.10.2025 has been challenged on the ground that the same was never served to the petitioner and the same was served by Enquiry Officer vide letter, dated 16.12.2025. In this regard, it is seen that the petitioner has raised a specific objection in this regard in the writ petition as also in response to



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letter, dated 16.2.2025. However, the respondent no.3 has failed to produce any document to show that the charge sheet dated 30.10.2025, was served to the petitioner before it was served to him by Enquiry Officer vide letter, dated 16.12.2025.

[31]. Validity of enquiry conducted by respondent no.4:

It is a cardinal principle of law that an employee is required to be treated fairly in any proceedings which may culminate into imposition of punishment. The petitioner has contended that the Enquiry Officer has acted in collusion with the Presenting Officer and was not impartial. Before dealing with this objection on facts of this case, it is profitable to refer to certain judgments of Apex Court dealing with the status and duties of an Enquiry Officer. The role of an Enquiry Officer and his duties in departmental enquiry has been discussed by Apex Court in the case of *State of U.P. Vs. Saroj Kumar Sinha* reported in (2010)2 SCC 772, and held thus:

"28. An inquiry officer acting in a quasi-judicial authority is in the position of an independent adjudicator. He is not supposed to be a representative of the department/disciplinary authority/Government. His function is to examine the evidence presented by the Department, even in the absence of the delinquent official to see as to whether the unrebutted evidence is sufficient to hold that the charges are proved. In the present case the aforesaid procedure has not been observed. Since no oral evidence has been examined the documents have not been proved, and could not have been taken into consideration to conclude that the charges have been proved against the respondents.

29. Apart from the above, by virtue of Article 311(2) of the Constitution of India the departmental enquiry had to be conducted in accordance with the rules of natural



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justice. It is a basic requirement of the rules of natural justice that an employee be given a reasonable opportunity of being heard in any proceedings which may culminate in punishment being imposed on the employee.

30. When a departmental enquiry is conducted against the government servant it cannot be treated as a casual exercise. The enquiry proceedings also cannot be conducted with a closed mind. The inquiry officer has to be wholly unbiased. The rules of natural justice are required to be observed to ensure not only that justice is done but is manifestly seen to be done. The object of rules of natural justice is to ensure that a government servant is treated fairly in proceedings which may culminate in imposition of punishment including dismissal/removal from service."

[32]. In a departmental enquiry, the Enquiry Officer is in the position of a judge while Presenting Officer is in the position of a prosecutor. A departmental enquiry must be held by an unbiased person who is unconnected with the incident. He is expected to be impartial and objective in deciding the subject-matters of inquiry. He should have an open mind till the inquiry is completed and should neither act with bias nor give an impression of bias. However, when Enquiry Officer acts like a prosecutor, the enquiry vitiates. This has been so held by Division Bench of this Court in the case of ***Union of India vs. Naseem Siddiqui*** reported in **2004 SCC OnLine MP 678:**

"One of the fundamental principles of natural justice is that no man shall be a judge in his own cause. This principles consists of seven well recognised facets : (i) The adjudicator shall be impartial and free from bias, (ii) The adjudicator shall not be the prosecutor; (iii) The complainant shall not be an adjudicator; (iv) A witness cannot be the Adjudicator. (v) The Adjudicator must not import his personal knowledge of the facts of the case while inquiring into charges, (vi) The Adjudicator shall



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not decide on the dictates of his superiors or others, (vii) The Adjudicator shall decide the issue with reference to material on record and not with reference to extraneous material or on extraneous considerations. If any one of these fundamental rules is breached, the inquiry will be vitiated.

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A domestic inquiry must be held by an unbiased person who is unconnected with the incident so that he can be impartial and objective in deciding the subject matters of inquiry. He should have an open mind till the inquiry is completed and should neither act with bias nor give an impression of bias. Where the Inquiry Officer acts as the Presenting Officer, bias can be presumed. At all events, it clearly gives an impression of bias. An Inquiry Officer is in position of a Judge or Adjudicator. The Presenting Officer is in the position of a Prosecutor. If the Inquiry Officer acts as a Presenting Officer, then it would amount to Judge acting as the persecutor. When the Inquiry Officer conducts the examination-in-chief of the prosecution witnesses and leads them through the facts so as to present the case of the disciplinary authority against the employee or cross-examines the delinquent employee or his witnesses to establish the case of the employer/disciplinary authority, evidently, the Inquiry Officer cannot be said to have an open mind. The very fact that he presents the case of the employer and supports case of the employer is sufficient to hold that the Inquiry Officer does not have an open mind."

[33]. Thus, an Enquiry Officer is expected to be impartial and free from bias. He should act independently without being influenced by and shall not decide on the dictates of, anyone else. As observed by Division Bench of this Court, the Enquiry Officer should not act as Prosecutor. Conversely also, the Presenting Officer should also not be allowed to discharge the job of Enquiry Officer as is done in this case.

[34]. The respondent no.4 is the Enquiry Officer while respondent no.5 is the Presenting Officer in relation to the enquiry conducted against the



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petitioner. After their so appointment, initially, a charge sheet was served to the petitioner vide letter, dated 21.11.2025, which was jointly signed by respondent no.4 & 5 i.e. by Enquiry Officer and the Presenting Officer. This is unusual and impermissible. Unless the Enquiry Officer himself is the disciplinary authority, charge sheet cannot be issued by Enquiry Officer and further it can never be issued with the signature of Presenting Officer.

[35]. This charge sheet, dated 21.11.2025, was subsequently withdrawn by Enquiry Officer vide letter, dated 16.12.2025, under the pretext that a charge sheet has already been issued to petitioner by the Dean of the College on 30.10.2025. This is again unusual inasmuch as an Enquiry Officer is appointed after issuance of charge sheet and he is provided with a copy of charge sheet to enquire into. However, in this case, it is evident that the charge sheet issued by Dean was not even supplied to the Enquiry Officer and that is why he issued his own charge sheet. Subsequently, when the charge sheet issued by Dean was supplied to him, the Enquiry Officer withdrew charge sheet issued by him.

[36]. Yet another unusual event occurred in this case is that the charge sheet dated 30.10.2025, issued by Dean is served to the petitioner alongwith letter, dated 16.12.2025, by the Enquiry Officer. As already observed hereinabove, the charge sheet issued by Dean on 30.10.2025 was not served to the petitioner earlier.

[37]. The unusual events in this case does not end here. After completing *ex-parte* enquiry, the enquiry report is submitted to the Dean on 31.12.2025 which is again jointly signed by respondent no.4 & 5 i.e.



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Enquiry Officer and Presenting Officer. This is unacceptable inasmuch as signing of report by the Presenting Officer would only mean that he is instrumental in recording of findings against the petitioner. In a departmental enquiry, the role of Presenting Officer is that of a prosecutor and, therefore, he cannot be allowed to participate in rendering findings against the delinquent which is and should be the exclusive role of Enquiry Officer. The report, dated 31.12.2025, is therefore, not acceptable on this ground also.

[38]. The learned counsel for respondent no.3 produced the enquiry record, in original, conducted by respondent no.4. A bare perusal of the same shows that, even though the petitioner shown as present in proceedings, the same is not signed by petitioner but are signed by respondent no.4 & 5 only. Further, after notice of proceedings to petitioner, the proceedings were held on 05.12.2025, 18.12.2025, 23.12.2025 & 29.12.2025. All the proceedings only narrates the non-cooperation on the part of petitioner. However, in none of the proceedings, the case was presented by Presenting Officer to establish the charges and proceedings were closed on 29.12.2025. Two days thereafter, the report is submitted. It is thus seen that no evidence was led by Presenting Officer to prove the charges and the Enquiry Officer of his own recorded finding referring to various documents. As observed above, the charge sheet is served to the petitioner on 16.12.2025 and final report is submitted on 31.12.2025. The charges have been held proved against the petitioner, but without there being any evidence led



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by Presenting Officer. This again demonstrates that the principles of natural justice have been given complete go by in this case.

[39]. The learned counsel for respondent no.3 as also counsel for respondent no.4 & 5 tried to convince this Court stating that the enquiry is conducted by Enquiry Officer without being influenced by Presenting Officer or anybody else. It is contended that the respondent no.4 & 5 are the doctors by profession and are not aware about the intricate procedure of departmental enquiry. This is no less serious than an Enquiry Officer being biased. Conducting enquiry by a person who is not versed with the procedure, is again a serious lapse in the enquiry inasmuch as the findings rendered by such person are ultimately going to be the basis of taking action against the delinquent.

[40]. By virtue of Article 311(2) of the Constitution of India, the departmental enquiry has to be conducted in accordance with the rules of natural justice. It is a basic requirement of the rules of natural justice that an employee be given a reasonable opportunity of being heard in any proceedings which may culminate in punishment being imposed on the employee. *A departmental enquiry conducted against a Government servant cannot be treated as a casual exercise.* The enquiry proceedings also cannot be conducted with a closed mind. The Enquiry Officer has to be wholly unbiased. *The rules of natural justice are required to be observed to ensure not only that justice is done but is manifestly seen to be done.* The object of rules of natural justice is to ensure that a Government servant is treated fairly in proceedings which may culminate in imposition of punishment including dismissal/removal



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from service. However, as discussed above, the principles of natural justice are breached at every stage in this case, right from the issuance of charge sheet till submission of report by Enquiry Officer.

[41]. Accordingly, the judgment of Apex Court in the case of *Bhupendra Singh (supra)* is of no assistance of respondent no.3.

[42]. In view of the aforesaid discussion, this Court is of the considered opinion that, even though Dean of the College is competent to take disciplinary action against the petitioner, however, the action taken by him right from the stage of service of charge sheet is vitiated and cannot be given stamp of approval by this Court.

[43]. Consequently, the entire exercise conducted by respondent no.4 & 5 are quashed. The Dean shall proceed with the enquiry from the stage of service of charge-sheet. If required, he shall conduct the enquiry himself, else shall appoint an incumbent as Enquiry Officer who is well versed with the enquiry proceedings. Needless to mention, the petitioner is entitled to get copy of documents which are being relied upon to establish the charges against him. Further, he is entitled to receive the copy of those documents which he establish to be relevant.

[44]. With the aforesaid, the petition stands partly allowed and disposed of.

(ASHISH SHROTI)
JUDGE

Vpn/-