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**W.P. No.47060/2025**

**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE JAI KUMAR PILLAI**

**ON 10<sup>TH</sup> DECEMBER, 2025**

**WRIT PETITION No.47060 of 2025**

***RAMESHCHANDRA LABANA***

*Versus*

***THE STATE OF MADHYA PRADESH AND OTHERS***

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**Appearance:**

***Shri Yamak Sharma - Advocate for the petitioner.***

***Shri Anirudh Malpani - Government Advocate for  
respondents/State***

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**ORDER**

The petitioner has approached this Court under Article 226 of the Constitution of India seeking following relief:-

“ (a) Issue Writ of Certiorari or any other appropriate writ, order, or direction, quashing/setting-aside the impugned order dated 17/11/2025 (Annexure P/1) passed by the Assistant Commissioner, Tribal Affairs Department, Ratlam being wholly illegal and passed without having any jurisdiction under the law.



(b) Issue a writ of mandamus directing the respondents to forthwith allow the petitioner to discharge his duties in accordance with law.

(c) Direct the respondents to treat the interregnum as duty for all service and monetary benefits or at least release full admissible subsistence allowance with continuity.

(d) Pass such other or further order(s) as this Hon'ble Court may deem just, proper and expedient in the facts and circumstances of the case.”

2. This is the case of the petitioner the he is a Government Primary Teacher with a clean service record and father of Victim X who has also filed W.P. No.45862/2025. On 15/11/2025 afternoon, the petitioner, his wife Rekha and daughter-in-law Sangeeta were in Ratlam city for medical consultation till 3:30 PM. At about 4:17 PM, the petitioner received information that Victim X had been molested/assaulted by accused Govind Kasavat, who allegedly entered the house, caught her hand and chest, threatened her and fled. The petitioner immediately dialled 112 and left for Police Station, Raoti.

3. It is the case of the petitioner that based on the minor victim's narration, FIR No.0573/2025 was registered at 06:39 PM on 15/11/2025 under Section 74, 75(1), 78(1), 333, 351(3) of BNS and Section 7, 8, 11, 12 of POCSO against Govind Kasavat. While returning home at around 09:00 PM the same night, persons related to the accused allegedly stopped, abused and threatened the petitioner's family, preventing them from filing an immediate complaint due to fear. On the



next day, 16/11/2025 at 09:59 PM, Sandeep (Petitioner's son) lodged FIR No.0577/2025 regarding the said intimidation.

**4** The petitioner further submits that on 16/11/2025 at about 07:15 PM, a counter-FIR was lodged through a minor niece from the accused side alleging an incident at 04:45 PM on 15/11/2025 at Village Umar. Acting on this delayed version, FIR No.0576/2025 was registered at 08:50 PM the same day against the petitioner's side under Section 74, 75(1), 296(a), 333, 115(2), 351(3), 3(5) of BNS and Section 7 and 8 of POCSO. The petitioner asserts that this counter-FIR is false, as Sandeep had already left the village at 04:43 PM and the entire family was at Police Station, Raoti by 05:10 PM preparing to lodge the first FIR.

**5.** It is also submitted by the petitioner that CCTV footage of Police Station, Raoti (16:00–20:00 hrs) and en-route cameras between Ratlam and Raoti (16:30–18:00 hrs), along with photographs fully corroborate the family's presence and movement on 15/11/2025. Despite this, solely on the basis of FIR No.0576/2025, the Assistant Commissioner, Tribal Affairs Department, Ratlam, issued the impugned suspension order dated 17/11/2025 under Rule 9 of the M.P. Civil Services (Classification, Control and Appeal) Rules, 1966 treating the alleged acts as misconduct under Rule 3(1) of the M.P. Civil Services (Conduct) Rules, 1965. The suspension fixed his headquarters at Govt. Higher Secondary School, Sakarayda with subsistence allowance under



FR-53 and aggrieved thereby the petitioner has filed the present petition.

6. The counsel for the petitioner submits that the impugned suspension order dated 17/11/2025 is wholly without jurisdiction, as it has been issued by an authority not competent under the statutory framework governing the Teaching Cadre. It is submitted that under the Madhya Pradesh School Education Services (Teaching Cadre) Service Condition and Recruitment Rules, 2018, framed under the proviso to Article 309 of the Constitution of India by substituting the earlier M.P. Non-Gazetted Class-III Educational Service (Non-Gazetted Services) Recruitment and Promotion Rules, 1973, the District Education Officer is the Appointing Authority for the post of Prathmik Shikshak/Primary Teacher. Therefore, any disciplinary or suspension power must flow from this cadre-control structure.

7. The counsel for the petitioner further submits that under Rule 9 of the M.P. Civil Services (Classification, Control and Appeal) Rules, 1966, the authority competent to order suspension is restricted to (a) the Appointing Authority, (b) the Disciplinary Authority, (c) an authority to which the Appointing Authority is subordinate, or (d) an authority specially authorised by the Governor through a general or special order. It is contended that respondent No.5 Assistant Commissioner, Tribal Welfare, Ratlam is neither the Appointing Authority nor the Disciplinary Authority of the petitioner, nor has any Governor issued



notification authorising respondent No.5 to exercise Rule 9 powers been produced. Therefore, respondent No.5 lacks inherent statutory competence and suspension by an incompetent authority is void *ab initio*, as laid down in **Union of India v. B.V. Gopinath, (2014) 1 SCC 351** and in the principle of **Nazir Ahmad v. King Emperor, AIR 1936 PC 253**, which mandates that when a statute prescribes a specific manner and authority, the act must be performed by that authority alone.

8. The counsel for the petitioner also submits that the issue of competency is squarely covered by judicial precedent. Reliance is placed on **Maansingh Chouhan v. State of Madhya Pradesh & Others WP No.14666/2021**, wherein this Hon'ble Court quashed a suspension order issued by an incompetent authority. It is stated that the said order was affirmed by the Division Bench in **State of Madhya Pradesh & Others v. Maansingh Chouhan, WA No.283/2023, 2023 MPHC-IND-5973-DB**, wherein the writ appeal filed by the State was dismissed. The petitioner submits that since the present case is identical on facts and law, the impugned suspension order deserves to be set-aside on the same ground.

9. The counsel for the petitioner further contends that the impugned order is a non-speaking order that fails to record any satisfaction as required under Rule 9 of the M.P. Civil Services (Classification, Control and Appeal) Rules, 1966. It neither considers the earlier FIR



No.0573/2025, in which the petitioner is not an accused, nor addresses the suspicious timing and contradictory nature of counter FIR No.0576/2025. It is argued that mere registration of an FIR is not sufficient for invoking suspension, which must be based on objective necessity and public interest, as held in **State of Orissa v. Bimal Kumar Mohanty, (1994) 4 SCC 126.**

**10.** The counsel for the petitioner submits additionally that the impugned order is mechanical and devoid of any discussion of relevant factors such as factual verification, gravity of allegations, necessity of immediate suspension, or alternative measures. It is submitted that a bare reference to Rule 3(1) of the Madhya Pradesh Civil Services (Conduct) Rules, 1965 without identifying specific misconduct or prejudice to departmental proceedings is arbitrary and ultra vires Rule 9 of the CCA Rules 1966. Suspension, though not a penalty, carries stigma and adverse civil consequences, and an order based solely on a doubtful counter FIR violates Articles 14 and 21 of the Constitution of India.

**11.** *Per contra*, the learned counsel for the respondents submits that the suspension order dated 17/11/2025 has been issued strictly in accordance with Rule 9 of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 and that the Assistant Commissioner, Tribal Welfare, Ratlam was competent to act in view of the functional and administrative control exercised by the Tribal



Welfare Department over the petitioner's place of posting. It is contended that the suspension, being an interim administrative measure, is intended only to facilitate a free, fair and uninfluenced inquiry in view of the serious allegations reflected in FIR No.0576/2025. The respondents assert that the existence of multiple FIRs does not dilute the gravity of allegations against the petitioner, nor does it preclude the State from taking preventive action in public interest.

**12.** It is further submitted that the impugned order need not contain elaborate reasoning, since suspension is not a punishment but merely a procedural safeguard pending investigation, and that the precedents relied upon by the petitioner, including **Maansingh Chouhan (Supra)**, are distinguishable on facts and cannot be applied mechanically. The respondents therefore pray that the writ petition deserves to be dismissed as the suspension order is lawful, proportionate, and passed in bona fide exercise of administrative discretion.

**13.** Having heard both parties at length and examined the entire record available.

**14.** This Court, without entering into or commenting upon the criminal antecedents or allegations emerging from the FIRs referred to in the case, confines itself strictly to the limited question of the validity of the suspension order. The scope of the present adjudication is therefore restricted to examining whether the impugned suspension has



been issued by a competent authority and in accordance with the requirements of Rule 9 of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966, without delving into the merits of the criminal proceedings or the truthfulness of the allegations.

**15.** At the outset, this Court deems it appropriate to advert to the Rules governing suspension in the State of Madhya Pradesh. The subject is regulated by Rule 9 of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966, which prescribes the circumstances, procedure and legal effect of placing a government servant under suspension. The said Rule reads as follows:—

**“9. Suspension:-**

(1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in the behalf by the Governor by general or special order, may place a government servant under suspension: - (a) where a disciplinary proceeding against him is contemplated or is pending, or (b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial:

Provided that a Government Servant shall invariably be placed under suspension when a challan for a criminal offence involving corruption or other moral turpitude is filed after sanction of prosecution by the Government against him.

Provided further that where the order of suspension is made by an authority lower than the appointing authority, such





authority shall forthwith report to the appointing authority the circumstances in which the order was made.”

**16.** Rule 9 empowers various authorities such as the appointing authority, its superior authority, the disciplinary authority, or any authority specially authorised by the Governor to place a government servant under suspension. This power can be exercised when a disciplinary proceeding is contemplated or pending, or when the employee is under investigation, inquiry, or trial for a criminal offence. In cases where a challan for an offence involving corruption or moral turpitude has been filed after sanction of prosecution, suspension is mandatory and the authority has no discretion. However, in other situations where the challan has not yet been filed, the Competent Authority is required to apply its mind to the nature of allegations and materials available, and thereafter take an independent decision as to whether suspension is warranted in the given facts.

**17.** The Rule further clarifies that if an order of suspension is issued by an authority lower than the appointing authority, such authority must immediately inform the appointing authority of the circumstances in which the suspension was ordered. This ensures transparency, proper oversight, and administrative accountability. The purpose of the Rule is to safeguard the integrity of public service while ensuring that decisions relating to suspension are taken responsibly, proportionately, and in accordance with established procedure.



**18.** Upon perusal of the Madhya Pradesh Tribal and Scheduled Castes Teaching Cadre (Service and Recruitment) Rules, 2018 dated 08/08/2018 and in particular Annexure-1 at Column No.6, it becomes clear that the Appointing Authority for the post of Primary Teacher is the Assistant Commissioner/District Coordinator, Tribal Affairs. A comparison of these Rules with the impugned order demonstrates that the suspension of the petitioner has been issued by the Assistant Commissioner, Tribal Welfare Department, Ratlam. Thus, the Authority issuing the suspension order and the appointing authority are one and the same, thereby fulfilling the requirement of Rule 9 of the M.P. Civil Services (Classification, Control and Appeal) Rules, 1966.

**19.** The impugned order further discloses that a serious criminal case has been registered and is under investigation against the petitioner being Primary Teacher at Primary School UEGS Mahudipada Complex Centre, Government High School, Umar. The FIR, bearing No.0576 dated 16/11/2025, invokes Sections 74, 75(1), 296(a), 333, 115(2), 351(3), 3(5) of the BNS, 2023, as well as offences under Section 7 and 8 of Protection of Children from Sexual Offences Act, 2012. The allegations pertain to indecent conduct with a female student, which prima facie amount to misconduct under Rule 3(1)(iii) of the Madhya Pradesh Civil Services (Conduct) Rules, 1965, being behaviour unbecoming of a government servant and derogatory to the dignity expected of a Teacher.



**20.** In light of the gravity of the accusations and keeping in view the sensitive and responsible position held by the petitioner as a Government School Teacher, the Competent Authority acted within the ambit of Rule 9 of the M.P. Civil Services (Classification, Control and Appeal) Rules, 1966 in directing his suspension. The order reflects due application of mind, and the nature of the allegations clearly warrants such interim action to maintain the integrity of the service and to ensure a fair investigation.

**21.** This Court is mindful that suspension does not amount to punishment but is merely a procedural safeguard enabling an impartial inquiry into the allegations. Considering the seriousness of the charges and the statutory framework governing suspension, this Court finds no reason to interfere with the impugned suspension order. The action taken by the competent authority, therefore, warrants no judicial intervention at this stage.

**22.** In this context, this Court finds it appropriate to cite the landmark judgment of the Hon'ble Apex Court in **P.R. Nayak v. Union of India, (1972) 1 SCC 332 : 1971 SCC OnLine SC 422** which reads as follows:-

*“47. Fifthly, there can be suspension of a government servant after a preliminary investigation when disciplinary proceedings in the form of departmental inquiry are contemplated. This suspension is not a punishment but a disciplinary matter in aid of*



*disciplinary proceedings. Suspension is ordered to facilitate free investigation and collection of evidence. It may be that the Government may not after suspension order a departmental inquiry if there is not adequate evidence. Again, where suspension takes place during investigation of a criminal case there may be departmental enquiry even after conviction or acquittal. The departmental enquiry is for inflicting punishment. Suspension is not so. That is why if there is favourable report after a departmental inquiry the government servant may obtain restoration of reduction of pay during the period of suspension. Departmental proceedings, disciplinary proceedings, preliminary enquiries for setting up an authority under the provision of the Public Servant Inquiry Act, 1950, are all variants of disciplinary proceedings.”*

23. Moreover, Hon,ble Apex Court in the case of **State of Orissa v. Bimal Kumar Mohanty, (1994) 4 SCC 126 : 1994 SCC (L&S) 875 : 1994 SCC OnLine SC 116** has discussed the same aspect, the relevant lines are reads as follows:-

*“13. It is thus settled law that normally when an appointing authority or the disciplinary authority seeks to suspend an employee, pending inquiry or contemplated inquiry or pending investigation into grave charges of misconduct or defalcation of funds or serious acts of omission and commission, the order of suspension would be passed after taking into consideration the gravity of the misconduct sought to be inquired into or investigated and the nature of the evidence placed before the appointing authority and on application of the mind by disciplinary authority. Appointing authority or disciplinary authority should consider the above aspects*



*and decide whether it is expedient to keep an employee under suspension pending aforesaid action. It would not be as an administrative routine or an automatic order to suspend an employee. It should be on consideration of the gravity of the alleged misconduct or the nature of the allegations imputed to the delinquent employee. The Court or the Tribunal must consider each case on its own facts and no general law could be laid down in that behalf. Suspension is not a punishment but is only one of forbidding or disabling an employee to discharge the duties of office or post held by him. In other words it is to refrain him to avail further opportunity to perpetrate the alleged misconduct or to remove the impression among the members of service that dereliction of duty would pay fruits and the offending employee could get away even pending inquiry without any impediment or to prevent an opportunity to the delinquent officer to scuttle the inquiry or investigation or to win over the witnesses or the delinquent having had the opportunity in office to impede the progress of the investigation or inquiry etc. But as stated earlier, each case must be considered depending on the nature of the allegations, gravity of the situation and the indelible impact it creates on the service for the continuance of the delinquent employee in service pending inquiry or contemplated inquiry or investigation. It would be another thing if the action is actuated by mala fides, arbitrary or for ulterior purpose. The suspension must be a step in aid to the ultimate result of the investigation or inquiry. The authority also should keep in mind public interest of the impact of the delinquent's continuance in office while facing departmental inquiry or trial of a criminal charge.”*

24. The Division Bench of Madras High Court in the case of **The Secretary to Government, Highways & Minor Ports (HL.1)**



**Department, Secretariat, Chennai Vs. S.R.Venkatesh,** had placed reliance upon an earlier decision of Madras High Court in the case of **R. Ravichandran vs The Additional Commissioner Of Police reported in 2010 CIJ 553 IPJ** and dealt with this aspect and held that when a Government Servant commits a serious misconduct which entices major penalties, like, dismissal, removal or compulsory retirement, etc., the Disciplinary Authority would be entitled to place such an employee under suspension. The relevant portion of the order reads as follows:-

*“82. When the criminality of the government servant is adjudicated before the Court of competent jurisdiction and when the Police, Vigilance and Anti- Corruption Department has launched prosecution or proposed to launch for imposing appropriate punishment under the penal laws, the appointing/disciplinary authority/government, should be allowed to exercise their discretion to place the government servant under suspension, which is a step in aid, to complete the investigation/trial. Courts have consistently held that even if the materials are not adequate for prosecution or even after acquittal, when the appointing/disciplinary authority/government is empowered to place the government servant under suspension, the power can be exercised on proper consideration of relevant materials, in public interest.”*

**25.** In view of the foregoing, this Court finds that the impugned suspension order has been validly issued by the Competent Authority under Rule 9 of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 after due consideration of the gravity



of allegations. The case laws relied upon by the petitioner are distinguishable on facts and law and therefore, do not apply to the present case. Suspension, being a precautionary step in aid of a fair investigation and not a punishment, is warranted in the circumstances. Having regard to the serious nature of the charges and the statutory framework, no interference is called for.

**26.** Accordingly, in view of the above discussion and judgments cited, this Writ Petition deserves to be and is hereby **dismissed**.

**27.** All Pending applications, if any, shall be **disposed off** accordingly.

**(Jai Kumar Pillai)**  
**Judge**

**Aiyer\*PS**