

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

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

ON THE 2nd OF JULY, 2024

WRIT PETITION No. 3238 of 2024

(SUDHIR KOSE

Vs

THE STATE OF MADHYA PRADESH AND OTHERS)

Appearance:

(PETITIONER BY SHRI V.D.S. CHOUHAN - ADVOCATE)

(RESPONDENTS/STATE BY SHRI MANU V. JOHN - PANEL LAWYER)

ORDER

Learned counsel for the petitioner submits that the present case of the petitioner is squarely covered by the Division Bench Decision of this Hon'ble High Court dated 08.03.2018 passed in *W.A. No. 1166/2017 (Malkhan Singh Malviya vs State of M.P. & Others)* wherein the ratio of law laid down is that even an employee not borne out of regular establishment, is entitled to be afforded reasonable opportunity of being heard before a stigmatic order can be passed terminating his services. Mere issuance of a show cause notice and calling of reply would not suffice without supply of adverse material used against the employee and affording him opportunity to adduce evidence in support of his defence.

The Division Bench Decision of this Hon'ble High Court dated 08.03.2018 passed in *W.A. No. 1166/2017 (Malkhan Singh Malviya vs State of M.P. & Others)* has a binding precedent for a Single Bench and, therefore, this writ petition can be disposed of by quashing the impugned order of termination being stigmatic reserving liberty in favour of the respondents to afford an opportunity of hearing and supply adverse material to the petitioner and to take a decision afresh.

In above terms, this writ petition is disposed of.

(VIVEK AGARWAL)
JUDGE

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