



1

WA-3661-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 8th OF JANUARY, 2026

WRIT APPEAL No. 3661 of 2025

RAKESH KUSHWAHA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Saurabh Sunder - Advocate for Appellant.

Shri Amit Kumar Bajpai - Advocate for Intervenor.

Shri Anubhav Jain - Government Advocate for Respondents/State.

Shri Rohit Jain - Advocate for Respondent No.6.

.....

ORDER

Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice

The grievance raised by the appellant is with regard to constitution of committee by the Commissioner, Urban Administration and the report submitted by the committee.

Learned counsel for appellant submits that the Commissioner, Urban Administration did not have the power to conduct any inquiry or constitute any committee to conduct the inquiry. He accordingly, submits that any material collected by the Enquiry Committee and the report of the Enquiry Committee cannot be used against the appellant since the same was dehorse



the powers of the Commissioner.

Per contra, learned counsel appearing for the State submits that the Commissioner, Urban Administration being the senior most authority under whom all the municipal corporations function had the power to constitute the committee and accordingly the report submitted by the committee constituted by the Commissioner is actionable, he however submits that the competent authority is taking action and contemplating to take action based on available material.

Since the argument of learned counsel for the petitioner is that the Commissioner had no power to constitute a committee and accordingly the material collected by the committee and the report submitted by the committee cannot be relied upon for any action taken against the appellant.

We note that there is no challenge to the authority which is taking an action against the appellant however, the challenge is only to material collected by the committee constituted by the Commissioner, Urban Administration as also its report submitted.

Accordingly, we dispose of this appeal in the following terms :

i. In case any action is contemplated or taken against the appellant, it would be open to the appellant to raise a plea before the competent authority or the action taking authority that the Commissioner had no power to constitute a committee and the committee report cannot be relied upon.

ii. It would be open to the competent authority to take action in accordance with law subject to availability of actionable material and also to take a view on the matter as to whether the inquiry report can be acted upon



or not.

iii. It is needless to state that any disciplinary proceedings to be initiated against the appellant would be in accordance with the relevant rules applicable and also after complying with the principles of natural justice.

The appeal is accordingly, disposed of in the above terms.

It is clarified that this Court neither considered nor commented on the merits of the contention of either parties.

Question of law raised with regard to the power of Commissioner, Urban Administration is left open.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

Shub