IN THE HIGH COURT OF MADHYA PRADESH
A T J A B A L P U R

BEFORE
HON'BLE SHRI JUSTICE ATUL SREEDHARAN
&
HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL
ON THE 14th OF JULY 2025
WRIT PETITION No. 15070 of 2016

JAGAT MOHAN CHATURVEDI
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Vipin Yadav - learned counsel for the Petitioner.

Ms. Shweta Yadav - learned Dy. Advocate General for Respondent No.1/ State.

Shri Aditya Adhikari - learned Senior Advocate with Shri Kaustubh Chaturvedi - Advocate for Respondent No.2.

ORDER

Per*: *Justice Atul Sreedharan

The present writ petition has been filed by the Petitioner, who was a Judge working as Special Judge (SC/ST) at the relevant point of time with District Judiciary of Madhya Pradesh and his service was terminated by the impugned order dated 19.10.2015, passed by Respondent No.1, pursuant to a Full Court decision taken by the Respondent No.2, and the statutory appeal preferred by him was dismissed by order dated 01.8.2016.

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2. The brief facts of the case are as follows :-**(i)** The Petitioner was appointed as a Civil Judge Class II on 30.10.1987 and was confirmed on the said post in the year 1990. He was promoted to the post of Civil Judge Class I on 13.5.1994 and was further promoted to the post of Chief Judicial Magistrate on 09.09.1998. On 31.7.2000, the Petitioner was promoted to the post of Higher Judicial Service (Entry Grade) and was given Selection Grade on 20.08.2008. In paragraph 5.5 of the petition, it is averred that the service record of the Petitionerwas blemish less and in his entire career, not a single punishment was awarded to him and never ever was even a notice issued to him in relation to the discharge of his official duties or otherwise. It is relevant to state here that both the Respondents have not given para-wise rebuttal to the averments made in the petition. Under the circumstances, the averment made in Para 5.5 of this petition stands uncontroverted. **(ii)** On 24.02.2015, a charge sheet was issued to the Petitioner in respect of certain misconduct. The said charge sheet is Annexure P/1. On 11.3.2015, the Petitioner submitted his reply to the charge sheet and specifically answered the charges levelled against him in respect of grant of bail to students, who were involved in the case of VYAPAM and he also explained the facts and circumstances under which the bail of co-accused was rejected. It is further the case of the Petitioner that he released the accused/students on anticipatory bail on

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29.01.2014, 30.01.2014 and 31.01.2014 under Sections 419 and 420 of the IPC and Sections 3 & 4 of the Pariksha Adhiniyam (triable by the JMFC), in view of absence of any material available against the accused/ medical students and that all the offences were triable by the Court of the Magistrate and the maximum sentence that could be imposed in those cases were three years imprisonment, with the exception of S. 420 which was punishable with a maximum sentence of seven years.Thereafter on 14.2.2014, 20.2.2014 and 28.2.2014, some bail applications relating to FIR's registered at P.S Jhansi Road, Gwalior,were dismissed as offences under Ss. 467, 468, 471, 120B and 201 of the IPC were registered against the applicants in those cases and the said offences were triable by the Court of Sessions. A copy of the reply submitted by the Petitioneris Annexure P/2.**(iii)** In the departmental enquiry held against the Petitioner, only one witness by the name of Jor Singh Bhadoria was examined and the Petitioner says that not a single document was exhibited by the prosecution witness and the enquiry was closed. The averment made in paragraph 5.8 has not specifically been controverted by the Respondents in their reply. However, learned Senior Counsel appearing for Respondent No.2 has stated that in a departmental enquiry, the strict rules of evidence do not apply and therefore, a document which has been relied upon in the course of the enquiry, which

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was not exhibited by the Investigating officer through Jor Singh Bhadoria, the sole witness examined in this case, was not fatal to the case of the Respondent No.2. The written defence of the Petitioner is Annexure P/4. **(iv)** The Enquiry Officer submitted a detailed enquiry report holding that the charges against the Petitioneras proved. A copy of the enquiry report is filed as Annexure P/5 to the petition. Against the enquiry report, the Petitioner filed his reply. **(v)** Thereafter, on 19.10.2015, the impugned order was passed by Respondent No.2 whereby, the Petitioner was dismissed from service without considering the reply filed by him as so averred in the petition. Against the order of termination, the Petitioner preferred an appeal under Rule 23 of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 and the same was dismissed on 01.08.2016, without assigning any reasons, as so stated by Ld. Counsel for thePetitioner. A copy of the appeal and the order passed therein are part are Annexure P/8 and P/9 to the petition.

3. It is necessary to refer to the Articles of charge dated 24.02.2015, which was served upon the Petitioner. The **first Article of charge** is that when the Petitioner was functioning as Additional Sessions Judge, Gwalior, he granted anticipatory bail to eight applicants vide common order dated 29.01.2014. While in other applications for anticipatory bail

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arising from the same crime No. (Crime No.449/2013), the Petitioner is alleged to have rejected the bail applications of nineteen applicants vide common order dated 14.02.2014 and is also stated to have rejected the application under Section 439 of Cr.P.C. of one of the applicants by the same order dated 14.02.2014. It is further the charge that the allegations, facts, and circumstances appearing against all these accused persons were similar to those who were granted anticipatory bail. It is relevant to mention here that, but for stating that there has been a divergence in the nature of relief granted or denied by the Petitioner, there is no imputation of any corrupt/oblique or extraneous considerations for this divergence of opinion.

4. The **second article of charge** is that when the Petitioner allowed the bail applications filed under Section 438 of Cr.P.C. for eleven applicants vide common order dated 31.01.2014, while in the same Crime No. 449/2013, the Petitioner rejected the anticipatory bail applications and under Section 439 of Cr.P.C. as well, of twenty three accused persons. Once again, the allegations, facts and circumstances appearing against all those accused persons were similar, is the charge. It is again necessary to point out here that there is no imputation of any corrupt, oblique, or extraneous considerations in holding this divergence of opinion by the Petitioner.

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5. The **third article of charge** is that the Petitioner wrongly allowed bail applications under Section 438 of Cr.P.C. of three applicants vide common order dated 31.01.2014, while in the same crime number, he rejected anticipatory bail applications and applications under Section 439 of Cr.P.C. of twenty three accused persons where facts and circumstances appearing against the accused persons were similar to those who were granted anticipatory bail. In charge No.3, for the first time, there is an imputation of ulterior or corrupt motive where the allegation is that the Petitioner for some extraneous considerations has extended undue favour and benefit to the applicants, who were granted bail.

6. The **fourth article of charge** against the Petitioner is that in the same crime number, he allowed applications under Section 438 of Cr.P.C. for nine applicants vide common order dated 29.01.2014 and in another set of applications of eleven applicants, was also allowed vide order dated 30.01.2014 and bail applications of another three applicants under Section 438 of Cr.P.C. were granted vide common order dated 31.01.2014 while on the other hand, the Petitioner rejected anticipatory bail applications of eleven applicants vide common order dated 14.02.2014, but he rejected the application of accused Gulab Singh's bail application under Section 439 of Cr.P.C., where once again the facts and circumstances and the allegations appearing against all these applicants

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were similar. Once again, there is no allegation of corrupt motives, extraneous consideration, or obliqueness in passing these orders on the part of the Petitioner.

7. Thus, out of the four charges, the specific imputation of corrupt and extraneous consideration finds a place only in Charge No.3. In the other charges, rather than a charge, it is a statement of fact of divergent opinions being held by the Petitioner in multiple applications for grant of anticipatory bail, where he allowed some and dismissed some. It is relevant to mention here that the learned Senior Counsel appearing on behalf of Respondent No.2 has said that no material exists on record with regard to any such complaint being made against the Petitioner by those who had failed to receive a favourable order of bail from the Petitioner. Therefore, the only inference that can be drawn in the absence of such complaints is that none of those applicants whose application for bail was rejected by the Petitioner felt that their applications were dismissed for non-gratification of extraneous considerations.

8. Thereafter, the enquiry was conducted, where the Petitioner has given a blow-by-blow account of the reasons why he passed divergent orders in different applications. In this regard, it is essential to refer to the reply given by the Petitioner to charge sheet presented against him. Annexure P/2 is the reply of the Petitioner to the charge sheet. For the

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sake of brevity, this Court does not consider it necessary to give a para-wise translation of the reply given by the Petitioner. However, suffice it to say, the Petitioner has explained that he had granted anticipatory bail in those cases where on the date of the application the offences were triable by the Court of Magistrate and were under Section 420, 419 of IPC and Section 3 and 4 of the M.P. Recognized Examinations Act, 1937, which offences punishable with a maximum sentence of three years but for offence under Section 420 of IPC for which the maximum punishment was up to seven years. While the applications that he had dismissed had other sections that were added subsequently in the course of investigation which included offences triable by the Court of Sessions like Sections 467 and 468 of the IPC, which were far graver offences.

9. However, was this necessary at all in the first place?As already stated herein above, none of those applicants/accused, who have suffered an adverse order in their applications under Section 438 or 439 of Cr.P.C. had ever preferred a complaint alleging motives against the Petitioner for having denied them relief due to non-fulfilment of oblique considerations. In such cases, though not justifiable, it is invariably the party, which is adversely affected by the order of the learnedJudgewho prefer complaints to the High Court against the Judge. But in this case, even that is not available.

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10. In the course of the enquiry, only one witness was examined who was the CSP of Police who was the Investigating Officer of the case. It is undisputed that he has not uttered a single allegation against the Petitioner and has merely stated what he has done in the investigation. Documents were not exhibited (not doing so does not affect the case adversely, as this is a departmental enquiry and strict rules of evidence do not apply). The same notwithstanding, the entire enquiry process has examined the orders passed by the Petitioner threadbare as though the enquiry officer was sitting as an appellate Court over the orders passed by the Petitioner. It is also relevant to mention here that the State never challenged any of those orders before the High Court for cancellation of bail and neither did they apply for cancellation of bail before the Petitioner during the course of the trial. Thus, it is seen in this case that those accused/ applicants who were adversely affected by the dismissal of the bail applications had not preferred a complaint and were not aggrieved by the orders passed by the Petitioner, and neither was the investigating agency aggrieved by the said orders as they also did not approach the High Court for cancellation of the bail granted by the Petitioner.

11. The learned counsel for the Petitioner has submitted that what has been suffered by the Petitioner herein is unimaginable. He has further

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stated that throughout his entire career, the Petitioner has never even been issued a notice to give a reply to any conduct of his associated with the discharge of his official duties or otherwise. This aspect is not disputed by the Respondents as their reply does not specifically deny the same. Learned counsel for the Petitioner has also submitted that the Petitioner was terminated from the service at the farend of his career at the age of 58 years and that there are judgments of Supreme Court which have deprecated this practice. In support of his contentions, he has relied upon a few.

12. The first judgment that has been referred to by the learned counsel for the Petitioner is ***Krishna Prasad Verma Vs. State of Bihar and others - reported in (2019)10 SCC 640.*** In that case, the appellant before the Supreme Court was a Judge of the District Judiciary from Bihar whose service was terminated on account of two bail orders passed by him. In one of the cases, the bail order was passed, after the High Court had rejected the bail application of the said accused persons earlier. The factual aspect also reveals that when this fact came to the notice of the appellant in that case, he issued notice to the accused who were granted bail and cancelled those orders. In paragraph 4, the Supreme Court observed that there has to be zero tolerance for corruption and if allegations of corruption or misconduct or other acts unbecoming of a

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status of a judicial officer are brought to the light of the High Court, the same must be dealt with strictly. Thereafter, the Supreme Court cautions that if wrong orders are passed, the same should not lead to disciplinary action unless, there is evidence that the wrong orders have been passed for extraneous considerations. The Supreme Court then goes ahead and refers to several judgments passed by the Supreme Court itself in the past, and held in paragraph 8 that if a Judge of the District Judiciary, conducts the proceedings in a manner which would reflect on his reputation or integrity and there is prima facie material to show reckless misconduct on his part while discharging such duties, the High Court would be entitled to initiate disciplinary action but such material should be evident from the orders and should also be placed on record during the course of disciplinary proceedings. The second charge against the appellant in that case was where he closed the prosecution's evidence in a NDPS matter on account of which the accused benefited from an acquittal due to lack of evidence against him. In Paragraph 16, the Supreme Court categorically held that in no manner was the Supreme Court indicating that a Judge of the District Judiciary passing a wrong order should not be called upon to explain his conduct but, where a Judge of the District Judiciary passes orders, which are against settled principles of law/ legal norms, but there is no allegation of any extraneous considerations leading to the passing of

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such orders, then the appropriate action which the High Court could take is to record such material on the administrative side and place it on service record of the Judge concerned. The Supreme Court further held that the correct way to proceed in such matters would be to record the errors, or his inability to understand the law in his service record on the administrative side, where there are no allegations of corruption or extraneous considerations.

13. The next judgment that has been placed before this Court is ***K. C. Rajwani Vs. State of M.P. reported in 2022 SCC Online MP 1550***. In this case, the enquiry officer concluded that the charges have not been proved. However, the findings of the Enquiry officer were placed for consideration before AC-I. The Registrar (Vigilance) had prepared a note with regard to the findings recorded by the Enquiry Officer and so far as charge No.1 was concerned, it was held that granting of bail in disregard to the mandatory provisions of Section 59A of the M.P. Excise Act is sufficient to infer that the order has been passed with corrupt motive or extraneous consideration. As far as Charge No.2 is concerned, it was stated that it appears to be only for corrupt motive or for extraneous consideration. As regards charge No.4, it was held that the finding of the enquiry officer that no fault can be attributed to the judge for adjourning the case, cannot be accepted. So far as Charge No.5 was

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concerned, it was held that the view of the enquiring officer is that it is only to be considered as leniency on the part of the delinquent officer with regard to grant of adjournments, but this leniency has exceeded the limit which shows lack of devotion of the delinquent officer towards his duty. It is on this ground that the matter was placed for consideration before the AC-I who accepted the report of Vigilance Registrar and thereafter it was accepted by the Full Court of the High Court. In paragraph 8, this Court, while dealing with the case on the judicial side arrived at the opinion that it was unable to accept the opinion of the disciplinary authority as regard charge Nos.1 and 2 as the same has been drawn on the basis of an inference in the manner in which bail was granted. The Disciplinary Authority came to the view that it can be inferred that bail has been granted in disregard to mandatory provisions of Section 59 of the M.P. Excise Act and therefore, the same has been passed with corrupt motive, extraneous consideration. The Coordinate Bench held that it was unable to appreciate the reasonings of the disciplinary authority and even if according to the disciplinary authority, the grant of bail is in violation of the mandatory provisions, the same may reflect upon the competence of the Judge in understanding the law, but it necessarily cannot lead to an inference of corruption. Thereafter, the

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Coordinate Bench of this Court allowed the writ petition filed by the Judge and set aside the order passed by the disciplinary authority.

14. The next judgment is ***Abhay Jain Vs. High Court of Rajasthan - (2022)13 SCC 1.*** In this case, the Petitioner was a probation Sessions Judge who was discharged on the recommendation of the Higher Judicial Committee, finding the work of the appellant in that case as unsatisfactory as, during the period of probation, he had granted bail in a case where the High Court had dismissed the application for grant of bail. The Supreme Court held that even if a mistake is committed by a new Judge of the District Judiciary but the same is without any corrupt or oblique motive, that error must be overlooked by the High Court and proper guidance should be provided.

15. In ***Roop Singh Alawa Vs. State of M.P. and another*** dated **01.5.2025 passed in W.P. No.18931/2017**, where a Coordinate Bench dealing with a case of a Judge in District Judiciary was dismissed from service upon the recommendation made by the Full Court, on the ground that the Judge in that case had allowed the bail application of the accused facing charge under Sections 302, 120B and 147 of the IPC, where four such applications of bail were rejected by the High Court, the Petitioner had granted bail to the accused. In that case, the Coordinate Bench held that the case of that Petitioner was not a case of a major misconduct, and

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neither was it a case of a wilful misbehaviour by the trial Judge passing orders in disregard to the order passed by the High Court. The Coordinate Bench held that even though the order was erroneous, the same resulted on account of confusion being created by contrary orders passed by the High Court in subsequent bail applications. And thereafter, the Coordinate Bench concluded that the Petitioner before them did not commit any major misconduct.

16. The instant case reveals a malady that cannot be addressed effectively on account of the social structure existing in the State. The feudal state of mind that still exists in the State,results in itsmanifestation in the judiciary also. It is precisely cases like this that result ina largenumber of bail applications pending before the High Court as also the Criminal Appeals. Experience at Bar gives this Court the wisdom to arrive at the opinion that the District Judiciary functions under the perpetual fear of the High Court. Like this case, where the Petitionerwas terminated from service on account of passing bail orders in favour of the applicants, the message that goes down to the District Judiciary by such acts of the High Court is that acquittals recorded in major cases or bails granted by the Courts below the High Court, can result in adverse action against Judges passing such orders, though they are judicial orders.

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17. The dismal relationship between the Judges of the High Court and the Judges of the District Judiciary is one between a feudal lord and serf. The body language of the Judges of the District Judiciary when they greet a Judge of the High Court stops short of grovelling before the High Court Judge, making the Judges of the District Judiciary the only identifiable species of invertebrate mammals. Instances of the judges of the District Judiciary personally attending to Judges of the High Court (as desired by them) on railway platforms and waiting on them with refreshments, are commonplace, thus perpetuating a colonial decadence with a sense of entitlement. Judges of the District Judiciary on deputation to the registry of the High Court are almost never offered a seat by the Judges of the High Court and on a rare occasion when they are, they are hesitant to sit down before the High Court Judge. The subjugation and enslavement of the psyche of the Judges of the District Judiciary is complete and irreversible, so it seems. The relationship between District Judiciary and the High Court in the State is not based on mutual respect for each other but one where a sense of fear and inferiority is consciously instilled by one on the subconscious of the other. At a subliminal level, the penumbra of the caste system manifests in the judicial structure in this state where those in the High Court are the savarn as and the shudras are the*les Misérables* of the District Judiciary this is reflected in the abject

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supineness of the Judges of the District Judiciary. All this adds up to the passive subjugation of the District Judiciaryleaving it psychologically emaciated, which ultimately reflects in their judicial work where bails are not granted in even the most deserving cases, convictions are recorded in the absence of evidence by giving the prosecution the benefit of doubt and charge is framed as though the power to discharge simply doesn't exist.All this in the name of saving their job, for which the Petitioner in this case suffered, for thinking and doing differently.

18. The extent of the rule of law existing in any state is reflected by the independence and fearlessness of its District Judiciary, the first tier of the justice administration system, and not the High Court to which, a large number of citizens find it difficult to access. But an overbearing High Court, ever willing to excoriate the District Judiciary for the most innocuous of its errors, ensures that District Judiciary is kept under perpetual and morbid fear of punishment. The fear of the District Judiciary is understandable. They have families, children who go to school, parents undergoing treatment, a home to be built, savings to be accumulated and when the High Court terminates his service abruptly on account of a judicial order passed him, he and his entire family is out on the streets with no pension and the stigma of facing a society that suspects his integrity. A District Judiciary which is compelled to work

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perpetually under this fear cannot dispense justice and instead shall dispense with justice.

19. In this particular case, the Petitioner granted anticipatory bail in certain cases and refused in some others so called similarly situated persons, arising from the same crime number which Respondent No.2 has concluded was on account of corrupt and extraneous reasons. It is also relevant to mention here that not a single person who had suffered an adverse order from the Petitioner has ever made a complaint to the High Court stating that his application for grant of bail which was identical to others who were granted bail by the same Judge, were dismissed because such applicants could not meet the extraneous demands of the Petitioner. Even otherwise, the allegation of corruption or extraneous motive finds its place only in Charge No.3. Charge No.1, 2 and 4 merely state what the Petitioner has done without alluding any imputation of dishonesty to him. It is also relevant to mention here that the sole witness who was examined in this case in the enquiry was Investigating Officer in this case who has stated that the cases in which the Petitioner had granted bail where the once in which incriminating material was yet to be unearthed against those applicants. It is also relevant to mention here that in most of the cases offence was triable by the Court of Magistrate being under Section 420, 419 and Section 3 and 4 of the State Act where, with the

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exception of Section 420, all the other offences were punishable with a maximum punishment of three years.

20. If the Respondent No.2 on the administrative side is going to question the exercise of discretion under Section 438 and 439 (or the corresponding Sections of the BNSS) by the Judges of the District Judiciary in favour of the applicant, where the question of corruption is merely an imputation by the enquiry officer, unsustainable by any material on record, the injustice done would be such that cannot be reversed later on. The judicial conservatism of the District Judiciary resulting in the denial of bail and unsustainable convictions which, even if reversed by the High Court in appeal after the appellant has completed fourteen years of his sentence, is a sham, masquerading as justice, and all thisis merely the symptom. The feudal mindset of the High Court governing its relationship with the Judges of the District Judiciary, is the untreatable disease. The High Court would do well to introspect and realise that in the era of unbridled social media and unmoderated expression of public opinion, sauce for the goose is sauce for the gander and as we sow, so shall we reap.

21. The case of the Petitioner is one such. His service has been terminated two years before he was to superannuate after a blemish less career of almost 28 years. It is not the contention of learned counsel for

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Respondent No.2 that during this period there were any complaints against him or that his general reputation or his ACRs had any entry which makes his conduct as a Judge of the District Judiciary, questionable. It is only because of his blemish less reputation that the Petitioner at the relevant point of time was holding the Court of Special Judge, SC/ST (Prevention of Atrocities) Act but yet, the applications for bail in these matters were listed before him, considering his reputation and integrity. It is also essential to state here that none of these bail orders have been reversed on the judicial side by this Court and if the Court on the administrative side felt that the orders were passed because of extraneous consideration, these orders could have been taken *suo moto* on the judicial side also and set aside, but such a course of action was never adopted by this Court.

22. Under these circumstances, **the petition is allowed**. **Impugned order is quashed**. The Petitioner has superannuated in the meanwhile from service. However, on account of gross injustice suffered by him, this Court, besides restoring his pensionary benefits, also directs that he should be given back wages from the date on which he was terminated till the date he would have otherwise superannuated with 7% interest. The same shall be complied within a period of 90 days from the date on which this order is uploaded on the web site of the Respondent No.2, failing

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which the Petitioner shall be entitled to file a contempt petition against Respondents for enforcement of this order. In view of the specific facts and circumstances of the case and the nature of injustice suffered by the Petitioner, the hardships he and his family were subjected to, the humiliation in society that he had to face, only on account of passing judicial orders, without an iota of material coming on record to even establish corruption even on the anvil of preponderance of probability, this Court deems it essential to impose a cost of Rs. 5,00,000/- (Rs. Five Lacs) which shall be paid to the Petitioner, to be shared between the Respondents.

23. The petition stands **disposed of.**

(ATUL SREEDHARAN)
JUDGE

(DINESH KUMAR PALIWAL)
JUDGE

mrs. Mishra

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