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WP-10356-2026

IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ASHISH SHROTI

ON THE 25<sup>th</sup> OF MARCH, 2026WRIT PETITION No. 10356 of 2026*SAKET KUMAR PUROHIT**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Mr. Krishna Kartikey Sharma - Advocate for the petitioner.

Mr. Brij Mohan Patel - GA for the State.

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ORDER

The petitioner is aggrieved by the order dated 13.03.2026, whereby respondent no.3 has placed him under suspension.

2. The petitioner is holding the post of Primary Teacher and is posted at Government Primary School, Adivasi Mohalla Semarkhedi, Sankul Kendra Bairad, Vikaskhand Pohari, District Shivpuri. He has been placed under suspension by the impugned order dated 13.03.2026 on the allegation that he posted an objectionable video with an intent to cause disturbance in society, thereby damaging the image of the department. It is alleged that the act of the petitioner is in violation of Rule 3(1), (2), (3) of the M.P. Civil Services (Conduct) Rules, 1965. During the period of suspension, the petitioner has been attached to the office of the Block Education Development Officer, Badarwas.

3. Challenging the impugned order, learned counsel for the petitioner



vehemently argued that the video posted by the petitioner on his Facebook account does not contain any objectionable material which could cause disturbance in society. He submitted that the petitioner merely stated in the video about the shortage of LPG gas prevailing in society due to the Israel-Iran war. He further submitted that the act of the petitioner does not, in any manner, violate the Conduct Rules. Learned counsel further argued that the entire action has been taken at the dictates of respondent no.4, who is an MLA from the constituency. It is submitted that the video was posted on 12.03.2026 at about 6 PM, and respondent no.4 wrote a letter to respondent no.3 on 13.03.2026, and immediately, following the directions, the impugned order of suspension was passed. This clearly reflects that respondent no.3 did not apply his mind independently by considering the allegations made against the petitioner and, in a mechanical manner, placed the petitioner under suspension.

4. Learned counsel for the petitioner further submitted that, vide order dated 21.10.2025, the Collector, Shivpuri, had given him additional charge of Rajya Anand Sansthan as Master Trainer, and he is working in that capacity by virtue of the said order. As per his submissions, by passing the impugned order, respondent no.3 cannot override or supersede the order passed by the Collector. Learned counsel also referred to documents filed along with the petition as Annexure P/2 to demonstrate that the petitioner has been actively participating in social activities and is a dedicated teacher, and he never intended to do something which may cause unrest in society. He, therefore, prayed for interference by this Court.



5. On the other hand, learned Government Advocate, on advance notice, opposed the submissions made by the petitioner's counsel. He submitted that the petitioner has only been placed under suspension, which does not amount to punishment, and, therefore, no cause of action arises for filing the present petition. He also submitted that the adjudication of a suspension order would be beyond the purview of judicial review when the issue of competence is not involved. He thus prayed for dismissal of the petition.

6. Considered the arguments of both parties on admission and perused the records.

7. It is noteworthy that the purpose of placing a Government servant under suspension is to keep him away from any possible mischief and to ensure that the proceedings are conducted unhindered. Suspension is an interim measure in aid of disciplinary proceedings so that the delinquent employee may not have custody or control over relevant records or misuse his position.

8. The Govt. has issued instructions vide circular dated 13.01.2005 giving guidelines to be kept in mind by the authority while passing the order of suspension. The Govt. has issued following instructions:

*"विषय अनुशासनिक मामलों में शासकीय सेवकों का अनावश्यक शक निलम्बन निलम्बन नहीं नहीं करना तथा लघुशास्ति अधिरोपित होने की स्थिति में निलम्बन अवधि को कर्तव्य अवधि मान्य किया जाना।*

*मध्यप्रदेश सिविल सेवा (वर्गीकरण नियंत्रण तथा अपील) नियम, 1966 के नियम 9 में शासकीय सेवकों के निलम्बन के विषय में प्रावधान है तथा वे स्थितियां वर्णित हैं जिनमें शासकीय सेवक को निलम्बित किया जा सकेगा।*

*2. सामान्य पुस्तक परिपत्र भाग-एक, क्रमांक 13 में उल्लेखित है कि किसी ऐसे*



शासकीय सेवक को जिसके विरुद्ध विभागीय जांच की जाना हो, सामान्यतः निलम्बित नहीं किया जाना चाहिये। जब आरोप गंभीर स्वरूप के हों या जब प्रशासनिक दृष्टि से या अन्य सुनिश्चित कारणों से ऐसा करना आवश्यक अपरिहार्य हो, तभी उसे निलम्बित किया जाना चाहिये। यदि जांच पर प्रातिकूल प्रभाव पड़ने की संभावना, है तो उसे निलम्बन के बले अन्य स्थान पर स्थानान्तरित करने पर विचार किया जाना चाहिये।

3. सामान्य प्रशासन विभाग के परिपत्र क्रमांक 12-38-91-3-1-, दिनांक 7-6-91 में निर्देश दिए गए हैं कि, जहां नियम 9(1) (क) के अंतर्गत अनुशासनात्मक कार्रवाई के दौरान निलम्बित किया जाता है, तो निलम्बन आदेश में स्पष्ट एवं सुनिश्चित कारण दर्शाए जाना चाहिये। अनावश्यक रूप से शासकीय सेवक को निलम्बित किए जाने की परम्परा को निरूत्साहित किए जाने के उद्देश्य से मानव अधिकार आयोग की अनुशंसा पर सामान्य प्रशासन विभाग के ज्ञाप क्रमांक सी-6-4/97/3/एक, दिनांक 19-3-1997 द्वारा निर्देश जारी किए गए हैं कि छोटी-छोटी त्रुटियों के लिये निलम्बन की कार्रवाई नहीं की जाए।

4. शासन के ध्यान में बार-बार यह तथ्य लाया गया है कि सक्षम प्राधिकारियों द्वारा प्रायाः बिना समुचित आधार के शासकीय सेवकों को निलम्बित किए जाने की कार्यवाही की जाती है। जांच में संबंधित शासकीय सेवक या तो निर्दोष पाया जाता है अथवा उसे साधारण चेतावनी या कोई लघुशास्ति अधिरोपित की जाती है। इस प्रकार की कार्रवाई से शासकीय सेवक तो प्रताडित होता ही है, बिना कार्य के लिए निलम्बन अवधि के लिये पूर्ण वेतन-भत्ते दोषमुक्त शासकीय सेवक को देना पड़ते हैं।

5. विचारोपरान्त शासन ने अब यह निर्णय लिया है किसी शासकीय सेवक के विरुद्ध जांच में आरोपों के स्वरूप को देखते हुए प्रथम दृष्टया यह प्रतीत हो कि संबंधित शासकीय सेवक पर पदच्युति, सेवा से हटाया जाना अथवा अनिवार्य सेवानिवृत्ति जैसी कोई मुख्य शास्ति अधिरोपित की जा सकती है, तभी उसे निलंबित किया जायें। अर्थात् लघुशास्ति के मामलों में उसे निलंबित नहीं किया जाना चाहिये।

6. मुख्य शास्ति हेतु संस्थित विभागीय जांच में यदि किसी निलंबित शासकीय सेवक पर जांच उपरान्त लघु शास्ति ही अधिरोपित की जाती है है तो उसका निलम्बन औचित्यपूर्ण नहीं माना जा सकता। अतः राज्य शासन ने निर्णय लिया है कि ऐसे मामलों में संबंधित शासकीय सेवक की निलम्बन अवधि को मूलभूत नियम नियम 54-बी के परिप्रेक्ष्य में कर्तव्य अवधि मान्य कर निलम्बन अवधि के सम्पूर्ण सम्पूर्ण वेतन-भत्ते (शासकीय सेवक को निलम्बन अवधि में भुगतान किए गए "जीवन निर्वाह भत्ते" की राशि का समायोजन कर) दिए जाएं। यह निर्णय इस ज्ञापन ज्ञापन के प्रसारित होने की तिथि से लागू होगा तथा जिन प्रकरणों में निर्णय लिया जा चुका है, वे पुनः नहीं खोले जाएंगे।



7. उपर्युक्त निर्देशों का पालन कड़ाई से सुनिश्चित किया जाए।

संदर्भ: म.प्र. शासन, सामान्य प्रशासन विभाग क्र.सी.-6/01/2005/एक/3, दिनांक 13-1-2005"

9. Thus, the competent authority is required to form an opinion as to whether the allegations levelled against the delinquent are such which may warrant major penalty of dismissal or removal from service, and/or the allegations are such which may warrant delinquent to be kept away from his work. It has been directed that the suspension should not be ordered in routine manner.

10. The law with regard to placing an employee under suspension has been considered from time to time by the Apex Court as also by this Court. After referring to various Apex Court judgments, this Court has considered the legal position in detail in the case of *Smt. Nahid Jahan Vs. State of M.P. & Ors.* passed in W.P. No.14176/2017. This Court held in paragraph 8 to 14 as under:-

"8. ....

*As per Rule 9 of the Rules of 1966, ordinarily, an employee can be placed under suspension (a) where a disciplinary proceedings relating to a misconduct is contemplated or pending, or (b) where a case against her in respect of any criminal offence is under investigation, inquiry or trial. The competence of learned Commissioner in issuing the impugned order is not subject matter of challenge in the present case. However, the existence of power is one thing and the exercise of such power is another. Merely because an authority is competent to pass an order of suspension, it cannot be said that his order is justifiable.*

*9. This is trite law that the purpose of placing an employee under suspension is mainly to keep her away from the mischief range. The purpose is to complete the proceedings unhindered. Suspension is an interim measure in aid of*



*disciplinary proceedings so that the delinquent may not gain custody or control of papers or take any advantage of her position. [See:(Union of India Vs. Ashok Kumar Agrawal), 2013 (16) SCC 147].*

*10. In the the present case, the petitioner will not be in a position to tamper or influence any evidence. The suspension although is not a punishment, an employee cannot be placed under suspension without application of mind. In 1994 (4) SCC 126 (State of Orissa Vs. Bimal Kumar Mohanty), the Apex Court poignantly held that 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 forbidding or disabling an employee to discharge the duties of office or post held by him. It would be another thing if the action is actuated by mala fides, arbitrary or for ulterior purpose. Thus, suspension order can be tested on the anvil of arbitrariness/reasonableness.*

*11. In the case of Jayrajbhai Jayantibhai Patel Vs. Anilbhai Nathubhai Patel, 2006 (8) SCC 200, the Apex Court held that the power of judicial review may not be exercised unless the administrative decision is illogical or suffers from the procedural impropriety or it shocks the conscience of the Court in the sense that it is in defiance of logic or moral standards but no standardised formula, universally applicable to all cases, can be evolved. Each case has to be considered on its own facts depending upon the authority that exercises the power, the source, the nature or scope of power and the indelible effects it generates in the operation of law or affects the individual or society.*

*12. In the case of Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. and another, 1999 (3) SCC 679, it was held that an exercise of right to suspend an employee may be justified on a facts of a particular case. Instances, however, are not rare where officers have been found to be afflicted by “suspension syndrome” and the employees have been found to be placed under suspension just for nothing. It is their irritability rather than an employee's trivial lapse which has often resulted in suspension.*

*13. The Supreme Court emphasized the need of applying*



*mind before placing an employee under suspension. Author M.S. Nila in the Book "Law of Suspension" (Eastern Book Co., Lucknow) expressed the view that "suspension on technical irregularities and lapses is unreasonable" (Page 20). Another Author Shri S.K.P. Shrinivas in "Law of Suspension and Reinstatement" (Orient Publishing Co.) opined that authority passing suspension order must not be afflicted with suspension syndrome. An order of suspension must not be passed whimsically, capriciously, unduly, fancifully and unreasonably. Contrary to these, such an order must be a reasoned one.*

*14. Wording of suspension order clearly shows that the allegations against the petitioner are relating to a clerical error of including the name of a dead person in the portal. For this alleged "misconduct", the respondents placed her under suspension. It is profitable to refer to the judgment of Supreme Court in this regard. In 1979 (2) SCC 286 (Union of India and others Vs. J. Ahmed), Desai J. held that "it is, however, difficult to believe that lack of efficiency or attainment of highest standards in discharge of duty attached to public office would ipso facto constitute misconduct. There may be negligence in performance of duty and a lapse in performance of duty or error of judgment in evaluating the developing situation may be negligence in discharge of duty but would not constitute misconduct unless the consequences directly attributable to negligence would be such as to be irreparable or the resultant damage would be so heavy that the degree of culpability is very high."*

11. It is thus evident that an employee cannot be placed under suspension in a routine manner as part of a "suspension syndrome". The existence of the power to suspend an employee, the manner in which such power is exercised, and the propriety of passing such an order are distinct aspects. Merely because the authority is competent to issue a suspension order does not place such order beyond the scope of judicial review. If it suffers from non-application of mind or is palpably arbitrary, it is liable to be interfered with.



12. In the present case, it is seen that on 12.03.2026, at about 6 PM, the alleged offending video was uploaded by the petitioner on his Facebook account. On 13.03.2026, respondent no.4 wrote a letter to respondent no.3 seeking action against the petitioner, alleging that in the video the petitioner had mimicked a popular political leader. On the very same day, the impugned order came to be passed. It is thus evident that respondent no.3 did not consider the justifiability or desirability of placing the petitioner under suspension. Also, the impugned order does not contemplate any inquiry. Further, the respondent no.3 failed to consider the instructions issued by the Government vide circular dated 13.01.2005, wherein it is provided that a Government servant should be placed under suspension only when a major penalty is likely to be imposed. Another aspect to be considered by respondent no.3 is as to whether the act alleged against the petitioner would constituted misconduct within the Conduct Rules.

13. Thus, the impugned order is found to have been passed in haste, allegedly under the dictates of respondent no.4, and in a routine manner. Therefore, respondent no.3 is required to reconsider the matter by applying his mind to the facts and circumstances of the case and by taking into account the instructions issued by the State Government vide circular dated 13.01.2005, as well as the law laid down by this Court in the case of *Smt. Nahid Jahan* (supra).

14. Accordingly, instead of keeping the matter pending, it is remitted to respondent no.3 for reconsideration and for passing a fresh order.

15. Since, *prima facie*, the impugned order dated 13.03.2026



(Annexure P/1) is found to have been passed without consideration of relevant circumstances, its operation shall remain stayed till passing of a fresh order by respondent no.3.

16. The petition is **disposed of** with the aforesaid directions.

(ASHISH SHROTI)  
JUDGE

bj/-