



2026:CGHC:35012



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 12436 of 2025

Manikchand Dhanurkar S/o Late Shri Dayaram Dhaurkar Aged About 48 Years R/o Qr. No. 215, Police Line, Thana Chhawani, Power House, Bhilai, District Durg (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through - The Principal Secretary, Department Of Home, Mantralay, Naya Raipur, District - Raipur (C.G.)

2 - The Director General Of Police Durg Range (C.G.)

3 - The Senior Inspector General Of Police District - Durg (C.G.)

4 - The Additional Superintendent Of Police Rural/ Urban District - Durg (C.G.)

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s) : Shri P. Chetan Kumar, Advocate

For Respondent(s) : Ms.Sakshi Bajpai, Panel Lawyer



Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

10.08.2026

1. By way of the present writ petition, the petitioner is questioning the order of dismissal from service passed by exercising the power under Article 311(2) (b) of the Constitution of India, whereby the petitioner has been dismissed from service without conducting any departmental enquiry.
2. Learned counsel appearing for the petitioner submits that the disciplinary authority, while dismissing the petitioner from service, was required to record reasons and its satisfaction in writing as to why it was not reasonably practicable to hold a departmental enquiry. He submits that, in the absence of such reasons and satisfaction being recorded in writing while passing the order of dismissal, the impugned order is not sustainable in law.
3. In response, learned counsel appearing for the State submits that, considering the gravity of the misconduct committed by



the petitioner, the disciplinary authority decided not to conduct a departmental enquiry and dismissed the petitioner from service. He submits that, therefore, there is no illegality in the impugned order.

4. I have heard learned counsel for the parties and perused the records.
5. From perusal of the record, it is not in dispute that the petitioner has been dismissed from service by invoking the provisions of Article 311(2)(b) of the Constitution of India. The impugned order of dismissal has been passed by the Senior Superintendent of Police, District Durg, on the allegation of serious misconduct against the petitioner. However, from perusal of the impugned order, it does not appear that the disciplinary authority has recorded any satisfaction in writing, along with reasons, as to why it was not reasonably practicable to hold a departmental enquiry against the petitioner.
6. The power to dispense with a departmental enquiry is an exception to the general rule of holding an enquiry before imposing a major penalty. Such power can be exercised only upon the disciplinary authority recording its satisfaction in



writing that it is not reasonably practicable to hold such enquiry. Mere reference to the gravity or seriousness of the alleged misconduct cannot, by itself, constitute sufficient justification for dispensing with a departmental enquiry.

7. In the present case, the impugned order merely records that the petitioner is being dismissed from service for the alleged serious misconduct. However, the order does not disclose any reason or satisfaction recorded by the disciplinary authority as to why it was not reasonably practicable to hold a departmental enquiry against the petitioner. In the absence of such reasons and satisfaction being recorded in writing, the exercise of the said power cannot be sustained in law.
8. Consequently, the impugned order of dismissal passed against the petitioner is contrary to the safeguards contemplated under Article 311(2) (b) of the Constitution of India and is, therefore, liable to be quashed and set aside.
9. Accordingly, the writ petition is allowed. The impugned order of dismissal passed against the petitioner is hereby quashed and set aside. The respondents are directed to reinstate the petitioner in service with all consequential benefits.



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10. However, it is made clear that this order shall not preclude the respondents from initiating the further fresh proceedings against the petitioner, if so advised, strictly in accordance with law and the applicable service rules, after affording the petitioner full opportunity of hearing.

Sd/-

(Bibhu Datta Guru)

JUDGE

Shoaib