

N THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 1706 of 2018

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Dilip Kumar aged about 40 years S/o Late Sitaram Rajwar, Resident of Village-Pradhan Khanta, P.O. Pradhan Khanta, P.S. Topchanchi, District-Dhanbad, at present residing at Prem Nagar, P.O. Saraidih, P.S. Madhuban, District-Dhanbad. **Petitioner (s)**

Versus

1. Bharat Coking Coal Limited (BCCL), through its Chairman-cum-Managing Director, Koyla Bhavan, P.O. B.C.C.L, P.S. Saraidhela, District-Dhanbad.
2. General Manager, Bharat Coking Coal Limited, Govindpour Area, P.O. Saraidih, P.S. Madhuban, District-Dhanbad.
3. Project Officer, Block IV Colliery, B.C.C.L, Govindpur, P.O. Saraidih, P.S. Madhuban, District-Dhanbad. **Respondent(s)**

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CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : Mr. P.P.N.Roy, Sr. Adv
Ms. Pragati Prasad, Adv
For the Respondent : Mr. A.K.Das, Adv
Mrs. Swati Shalini, Adv

C.A.V. ON: 20/04/2026

PRONOUNCED ON:06/05/2026

1. Heard learned counsel for the parties.
2. The petitioner has filed the instant writ petition seeking for quashment of Order No.1346 dated 04/06.11.2017, whereby the petitioner has been dismissed from his services on account of his conviction under Section 498-A IPC.

Brief Facts

3. The writ petitioner was employed in Bharat Coking Coal Limited and was posted at Block-IV Colliery as an EP Mazdoor. While in service, he was convicted in C.P. Case No.2027 of 2009, corresponding to T.R. No.158 of 2017, by a

judgment dated 21st of July 2017 for an offence under Section 498-A of IPC. His conviction was affirmed in appeal and presently a revision application is pending.

4. Under Clause 26.1.19 of the Certified Standing Orders, a conviction for offence involving moral turpitude is a serious misconduct warranting dismissal from service. When such judgment of conviction was brought to the notice of the Management, show-cause notice was issued to the writ petitioner on 13.10.2017 directing the writ petitioner to show cause as to why his services be not terminated on account of his conviction for an offence under Section 498-A of IPC in terms of Clause 26.1.19 of the Certified Standing Orders. The writ petitioner submitted his reply (Annexure 3) which was duly considered and he was ultimately discharged from service by an order dated 04/06.11.2017. The dismissal order has been challenged by the writ petitioner in the instant writ petition.

5. The respondents have filed a detailed counter affidavit explaining therein that Section 498-A of IPC is an offence involving moral turpitude and in view of his conviction, the writ petitioner cannot continue in service more particularly in view of Clause 26.1.19 of the Certified Standing Orders and accordingly, he has been rightly terminated.

6. The writ petitioner has mainly argued that the offence

under section 498A of IPC do not involve moral turpitude and relied upon a judgment of the Full Bench of the Patna High Court in the matter of **Sarju Prasad Singh v. State of Bihar and Others, 1987 PLJR 285 (FB)**, wherein the Patna High Court in paragraphs 12 and 13 has held as under:-

“11. Indeed, herein we are concerned with the charge of murder in its true legal sense. When Rule 100 talks of a criminal charge, it is not an abstract, but in the concrete form of a pending proceeding or allegation levelling such a criminal charge. Inevitably, one has to turn to the relevant provisions of Sections 299 and 300 and of Section 302, providing the punishment for murder Contained in Chapter XVI of the Indian Penal Code, pertaining to the offences affecting human body. The line of distinction that divides culpable homicide from the ultimate offence of murder is somewhat thin and a matter of deep intricacy, into which it is unnecessary to delve and be bogged down in the present case. It suffices to mention that the true concept of murder, as spelt out by the Code is a matter of some complexity. Section 299 first defines what is culpable, homicide, with three illustrations and three explanations thereto. The succeeding Section 300 then spells out the aggravated forms of culpable homicide, which would amount to murder. These are precisely laid out in Clauses (1), (2), (3) and (4) of Section 300. Out of these, five exceptions are then carved out, which would again take the offence out of the ambit of murder, and reduce them to only culpable homicide. These are then detailed in exceptions 1, 2, 3, 4 and 5 to Section 300. It is against this context that a change of murder has to be viewed and construed. When in legal terms one talks of a murder charge, then what is precisely indicated is that the offence comes squarely within the four clauses of Section 300, and, further that it is not excluded therefrom by coming within any of the five exceptions thereto. It is only in this sense alone that a criminal charge of murder is to be understood as the ultimate crime against the human body by extinguishing the very life therefrom.

12. Having exhaustively discussed the matter on principle, one might as well advert briefly to precedent. In Durga Singh v. The State of Punjab (AIR 1957 Punj. 97,) Bishan Narain, J., observed as follows:—

“After all, the term ‘moral turpitude’ is a rather vague one and it may have different meanings in different contexts. The term has generally been taken to mean to be a conduct contrary to justice, honesty, modesty or good morals and contrary to what a man owes to a fellow man or to society in general. It has never been held that gravity of punishment is to be considered in determining whether the misconduct involves moral turpitude or not.....”

7. At this stage itself, it is relevant to indicate that the said judgment relates to a conviction under Section 302 IPC and the termination of the employee in the said judgment has

been upheld by holding in paragraphs 13, 14 and 15 as under:-

“13. *In Baleshwar Singh v. The District Magistrate and Collector of Banaras (AIR 1959 All. 71), taking a similar view, it was held that even an offence under section 182 of the Indian Penal Code would well come within the ambit of a conviction involving moral turpitude. In Mangali v. Chhakhakhi Lal (AIR 1963 All. 527), on which reliance was placed by learned Counsel for the petitioner, the broad proposition of law with regard to moral turpitude was adhered to. However, it was rightly pointed out that any and every act punishable in law is not an offence involving moral turpitude. On that premise, it was rightly held that the mere possession of one tola bhang by a person for medicinal use, in the district of Kanpur, where it was totally banned, and the consequent conviction under section 60(a) of the Excise Act, punished with a paltry fine of Rs. 10/- therefor, was not one which involved moral turpitude. I am unable to find anything in the said case which can possibly and or advance the stand taken on behalf of the petitioner.*

14. *It remains to advert now to the Division Bench judgment of this Court in Adya Singh v. The State of Bihar (supra). Undoubtedly, the observations therein go materially in aid of the petitioner's stand, and, indeed, it was the correctness of that view, which has necessitated this reference. A close persual of the short judgment and the brief observations made therein would indicate that the issue was not adequately canvassed before the Bench by the learned Counsel for patties. The binding precedent in ‘Mr. P’ an Advocate (supra) was not brought to the notice of the Bench and the precise question of a liberal construction thus seems to have been missed. Equally, the earlier case in Durga Singh v. The State of Punjab (supra) and in Baleshwar Singh v. The District Magistrate and Collector of Banaras (supra) did not come up for pointed consideration. However, what appears to me as the basic error that seems to have in seriously crept in that judgment is that it again missed the legal distinction between any and every killing and specific charge of substantive murder under section 302. This aspect has already been dealt with in some detail in the earlier part of this judgment. With the deepest respect of the learned judges of the Division Bench, it has to be held that the law has not been correctly laid down by them and the same is hereby overruled.*

15. *To conclude on the legal aspect, the answer to the question posed at the outset is rendered in the affirmative and it is held that the criminal charge of substantive murder Under Section 302 of the Indian Penal Code involves moral turpitude.”*

8. The said judgment is of no help to the writ petitioner. The only argument of the writ petitioner is that conviction under Section 498-A IPC does not involve moral turpitude which apparently is wholly misplaced and misconceived.

9. In this regard one may refer to the terms ‘moral turpitude’ as defined by Wikipedia, as per which, ‘moral turpitude’ is defined as acts that gravely violate community standard of

justice, honesty or good morals often described as base, vile or depraved conduct.

10. The Hon'ble Supreme Court in the case of ***Sushil Kumar Singhal v. Regional Manager, Punjab National Bank***, reported in **(2010) 8 SCC 573**, has observed that Management is under an obligation to discontinue the services of an employee who is or has been convicted by a criminal court for an offence involving moral turpitude. While explaining the meaning of '*moral turpitude*', the Hon'ble Apex Court in the case referred to Black's Law Dictionary and observed as under:-

"23. Moral turpitude means per Black's Law Dictionary (8th Edn. 2004)

Conduct that is contrary to justice, honesty, or morality. In the area of legal ethics, offenses involving moral turpitude such as fraud or breach of trust. Also termed moral depravity.

Moral turpitude means, in general, shameful wickedness- so extreme a departure from ordinary standards of honest, good morals, justice, or ethics as to be shocking to the moral sense of the community. It has also been defined as an act of baseness, vileness, or depravity in the private and social duties which one person owes to another, or to society in general, contrary to the accepted and customary rule of right and duty between people."

Emphasis Supplied

11. Even the Orissa High Court, in the case of ***Prashant Kumar Bishoi v. Sahadeo Bishoi and Another [WP(C) 5283/2008]***, had observed that moral turpitude is an expression which is used in legal as well as societal parlance to describe conduct which is inherently base, vile, depraved and having any connection showing depravity.

12. Long before, in the case of **Baleshwar Singh v. District Magistrate and Collector, Banaras 2, (AIR 1959 All. 71)**, it was observed as under:-

"The expression moral turpitude is not defined anywhere. But it means anything done contrary to justice, honesty, modesty or good morals. It implies depravity and wickedness of character or disposition of the person charged with the particular conduct. Every false statement made by a person may not be moral turpitude, but it would be so if it discloses vileness or depravity in the doing of any private and social duty which a person owes to his fellowmen or to the society in general. If therefore the individual charged with a certain conduct owes a duty, either to another individual or to the society in general, to act in a specific manner or not to so act and he still acts contrary to it and does so knowingly, his conduct must be held to be due to vileness and depravity. It will be contrary to accepted customary rule and duty between man and man."

Emphasis Supplied

13. Similar view has been taken by the Division Bench of the Bombay High Court in the case of **Narendra Ramdas Borse v. State of Maharashtra, 2018 SCC OnLine Bom 2504**, and it has been observed as under:-

"15. As noted earlier, there is no dispute that the petitioner stands convicted for offences punishable under Section 498-A of the IPC. This conviction is in the context of the demise of his wife. The circumstances in which such offence was committed are referred to in the judgments and orders made by the Sessions Court, this Court and the Hon'ble Supreme Court. For the purposes of the present petition, there is no necessity to restate such circumstances, particularly as the conviction under Section 498-A has attained finality.

16. From the perusal of the material on record, it cannot be said that the penalty imposed upon the petitioner suffers from any non application of mind. In fact, even though it may not be strictly necessary, the respondent, did issue a show cause notice to the petitioner requiring him to show cause as to why he should not be dismissed from service on the ground of his conduct which has led to his conviction of a criminal charge. The response of the petitioner was duly considered by the disciplinary authority and it is only thereafter that the penalty of dismissal came to be imposed upon the petitioner. In the facts and circumstances of the present case therefore, we are unable to uphold Mr. Chandratre's contention that the disciplinary authority ignored the relevant consideration referred to by him or took into account any irrelevant considerations.

17. The conviction under Section 498-A of the IPC, certainly amounts to conviction for offence involving moral turpitude. In such circumstances, it is not possible to hold that action under clause (a) of the proviso to Article 311(2) of the Constitution was not competent. There are GRs to supplement the constitutional powers, which suggest that action of this nature is permissible. The ruling in Saroj Kumari (supra) turns on its own facts. In that case, the incident which led to the conviction of the petitioner, essentially arose on account of a quarrel with the neighbour in the village where both the warring families reside. The learned

Single Judge of the Punjab and Haryana High Court, merely remanded the matter for reconsideration to the disciplinary authority.”

Emphasis Supplied

14. Similar view has been taken by the Kerala High Court in the case of **Vincent Varghese v. State Bank of India & Ors, 1998 SCC OnLine Ker 148**, wherein the Kerala High Court after taking note of several Supreme Court Judgments in paragraphs 5 to 9 has observed as under:-

“5. Therefore, if the offence for which the petitioner had been convicted, is one which involves moral turpitude, there arise no consideration of imposing penalty lesser than sending out the petitioner from service. So, the only issue is whether an offence under Sec. 498-A involves moral turpitude. Section 498-A I.P.C. reads as follows:

“498-A. Husband or relative of husband of a woman subjecting her to cruelty:— Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.”

6. It is clear from the reading of the said section itself, so far as a civilized society is concerned the offence under the said section involves moral turpitude. The expression ‘moral turpitude’ has been elaborately explained in Baleshwar Singh v. Dist. Magistrate and Collector (AIR 1959 All. 71) as follows:

“The expression ‘moral turpitude’ is not defined anywhere. But it means anything done contrary to justice, honesty, modesty or good morals. It implies depravity and wickedness of character or disposition of the person charged with the particular conduct. Every false statement made by a person may not be moral turpitude, but it would be so if it discloses vileness or depravity in the doing of any private and social duty which a person owes to his fellowmen or to the society in general. If therefore the individual charged with a certain conduct owes a duty, either to another individual or to the society in general, to act in a specific manner or not to so act and he still acts contrary to it and does so knowingly, his conduct must be held to be due to vileness and depravity. It will be contrary to accepted customary rule and duty between man and man”.

7. It has also been held in Pawan Kumar v. State of Haryana ((1996) 4 SCC 17) as follows:

“Moral turpitude” is an expression which is used in legal as also social parlance to describe conduct which is inherently base, vile, depraved or having any connection showing depravity”.

8. In Allahabad Bank v. Deepak Kumar Bhola ((1997) 4 SCC 1) referring these two decisions, the Supreme Court held that:

“What is an offence involving ‘moral turpitude’ must depend upon the facts of each case”.

Emphasis Supplied

15. Having regard to the discussions made herein above, there is no room of doubt that conviction under Section 498 IPC involves moral turpitude and once it is found

that the petitioner has been convicted for an offence 498-A IPC, which, as has been discussed hereinabove, is obviously an offence involving moral turpitude. The petitioner has no right to continue in his service and, therefore, the order dated 04/06.11.2017; whereby the petitioner was dismissed from service, has been passed strictly in accordance with law and does not call for any interference, more so, when such order was passed after issuing a show-cause notice and giving full opportunity to the petitioner to respond.

16. As a result, the instant writ application stands dismissed. Pending IAs, if any, are closed. No cost.

(Deepak Roshan, J.)

Dated:06 /05/2026
Amardeep/
A.F.R

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