

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 2967/2026

Bhanwar Lal Sharma Son Of Shri Satya Narayan Sharma, Aged About 52 Years, Resident Of Sharma Sadan, Ward No. 2, Opposite Ridhi Sidhi-8, Across Railway Phatak, Sri Ganganagar, Presently Working As Principal At Government Sr. Sec. School, Khatka, Block Shahbad, District Baran (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, School Education Department, Government Of Rajasthan, Secretariat, Jaipur (Raj.)
2. The Secretary, Department Of Personnel, Government Of Rajasthan, Secretariat, Jaipur.
3. The Director, Secondary Education Rajasthan, Bikaner And Paden Additional State Project Director (Senior) Samagra Shiksha Abhiyan (Samsa).
4. The Chief Block Education Officer, Block Shahabad, District Baran.

-----Respondents

For Petitioner(s) : Mr. R.K. Gouttam
Mr. G.S. Gouttam with
Ms. Sakshi Meena
Ms. Arati Bai Meena

For Respondent(s) :

HON'BLE MR. JUSTICE ANAND SHARMA

Order

19/02/2026

1. Learned counsel for the petitioner has filed this writ petition challenging two separate charge-sheets dated 25.03.2025 & 16.04.2025 issued by Director, Secondary Education, Rajasthan in the capacity of disciplinary authority under Rule 16 of Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958.

2. While pressing his challenge to charge-sheet, it has been submitted by learned counsel for the petitioner that the charge-sheet has been issued by Incompetent Authority as the petitioner is holding the post of Principal in Senior Secondary School, which is post of the State service and therefore, only the State Government and not the Director can issue charge-sheet to the petitioner.

3. In addition to above, learned counsel for the petitioner also submits that as per DOP circular dated 23.05.2002, it is incumbent upon the disciplinary authority to conduct a preliminary enquiry before issuing any charge-sheet and the delinquent should also be given opportunity before issuing charge-sheet on the basis of findings of preliminary enquiry. Learned counsel submits that despite, clear cut guidelines given by Department of Personnel, blindly relying upon the findings of preliminary enquiry, charge-sheet has been served upon the petitioner.

4. Learned counsel also submits that two different charge-sheets have been issued against the petitioner in quite malicious manner whereas, the incidents referred in the charge-sheets related to one and the same cause and thus, only to harass and victimize the petitioner, the respondents have initiated two different disciplinary enquiries, which is causing serious prejudice and miscarriage of justice to the petitioner. Learned counsel also submits that although, he has given representation in the light of order dated 02.02.2024 passed by Coordinate Bench of this Court in the case of **Pawan Meena vs. State of Rajasthan & Ors. (SBCWP No. 1665/2024)** yet, the respondents could not decide his representation whereas, the State Government itself has

issued one circular dated 19.02.2024 directing all concerned for deciding the representation in the light of aforesaid order dated 02.02.2024.

5. Heard learned counsel for the petitioner and perused the record.

6. First submission made by learned counsel for the petitioner is that the charge-sheet has been issued by an incompetence authority; however it has been admitted by the learned counsel petitioner that the petitioner was appointed on the post of Principal by the order issued by Director, Secondary Education. Thus, learned counsel for the petitioner has not disputed the fact that Director Secondary Education, Rajasthan, Bikaner is the appointing authority of the petitioner. It is settled proposition of law that appointing authority can issue charge-sheet under the relevant disciplinary rules hence, the submission made by learned counsel for the petitioner raising objection with regard to competence of disciplinary authority is totally misconceived and is not tenable in the eye of law.

7. Learned counsel also argued that before issuing charge-sheet, pursuant to circular issued by DOP, the petitioner was entitled for show cause notice on the basis of findings of preliminary enquiry however, it has not been done. As a matter of fact, the impugned charge-sheets have been issued while exercising powers under rule 16 of the Rule of 1958. This Court finds that there is no statutory rule mandating procedure of issuing any show cause notice prior to issuance of charge-sheet, therefore, any circular which is not in consonance of statutory rule, is not mandatory in nature. Hence, no mistake whatsoever

has been done by the respondents by not issuing any prior notice before serving charge-sheet upon the petitioner.

8. Learned counsel for the petitioner has also submitted that although, two different charge-sheets have been issued, yet the subject matter qua charge-sheets relate to same incident whereas, bare perusal of the charge-sheets would not support the contention of the petitioner. This Court finds that both the charge-sheets have been issued in respect of altogether different incidents.

9. Learned counsel also submitted that the representation submitted by the petitioner, in the light of order passed by Coordinate Bench of this Court in the case of **Pawan Meena (supra)**, has not been decided by the respondents, which is also a serious lapse on the part of the respondents. This Court finds that in order dated 05.03.2024, directions have been given by Coordinate Bench of this Court to address the representations for redressing the grievances in respect of such service matters, for which no specific procedure has been prescribed under the relevant service rules. In the instant case, where the charge-sheets have been issued under the CCA Rules, 1958, it is apparent from perusal of the Rule 16 that at each and every stage, opportunity of hearing shall be given to the delinquent. After serving charge-sheet, the delinquent has got right to file reply to the charge-sheet. Admittedly, in the instant case, the petitioner has not filed any reply to the charge-sheet. Filing of reply to the charge-sheet is quite significant for the reason that after receiving reply to the charge-sheet, the disciplinary authority considers the reply and takes a decision either to proceed further or to drop the

charge-sheet at that stage. Therefore, filing of the present writ petition challenging the charge-sheet at this stage, is totally premature and it has also been held by this Court that charge-sheet cannot be challenged by delinquent without filing reply to the charge-sheet.

10. It has been held by the Co-ordinate Bench of this Court in the case of **Jagdish Prasad Vs. The State of Rajasthan & Ors.** (S.B. Civil Writ Petition No.13682/2024) decided on 05.03.2025 that without filing reply to the charge-sheet, same cannot be challenged until and unless there is a plea that the charge-sheet has been issued by incompetent authority or against the statutory rules. The petitioner has not raised any such ground.

11. This Court also had the occasion to deal with similar question in the case of **Ummed Singh Nathwat Vs. State of Rajasthan & Anr.** (S.B. Civil Writ Petition No.2366/2001) decided on 09.04.2025, the relevant portion of the aforesaid order is reproduced as under:-

"18. So far as the scope of challenging the charge-sheet issued under CCA Rules, a recent judgment of this Court in the case of **Jagdish Prasad Vs. State of Raj. And ors.**:SBCWPNo.13682/2024, decided on 05.03.2025, this Court has relied upon the judgment of Hon'ble Supreme Court in the case of **Union of India & Ors. Vs. K.K. Dhawan** reported in (1993) 2 SCC 56 as well as another judgment of Hon'ble Apex Court in the case of **State of Orissa Vs. Sangram Keshari Misra** reported in (2010) 13 SCC 311, held that normally a charge-sheet a charge-sheet cannot be quashed prior to conclusion of the enquiry and this Court has explicitly held in the aforesaid judgment that a writ petition generally does not lie against the charge-sheet unless it is established that the same has been issued by an authority not competent to initiate the disciplinary proceedings. It has also been held that charge-sheet cannot be interfered with by the Court lightly or in a routine manner. The delinquent employee instead of seeking quashing of

the charge-sheet at the initial stage must submit his/her reply before the Enquiry Officer/Disciplinary Authority and wait for conclusion of the proceedings.”

12. In view of above, there is no scope for interference in the instant case and the same is hereby, dismissed.

13. It is made clear that no opinion on merits has been expressed while deciding the present writ petition and the observation is confined to challenge the validity and legality of the charge-sheet at this stage and such observation/comments shall not prejudice the defence of the petitioner during enquiry and the petitioner shall be at liberty to raise all the grounds with regard to his defence while submitting reply to the charge-sheet.

14. Pending application(s), if any, shall stand disposed of.

(ANAND SHARMA),J