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SLP(C)No. 14953 OF 1999

ITEM No.203

Court No. 1

SECTION XI  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.14953/1999

(From the judgement and order dated 11/08/1999 in CMWP 17416/97  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAM CHANDRA SHUKLA

Petitioner (s)

VERSUS

STATE OF U.P. & ORS

Respondent (s)

( For Final Disposal )

Date : 12/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. Ranjit Kumar, Sr.Adv.  
Mr. Pradeep Misra,Adv.  
Mr. T. Mahipal,Adv.  
Ms. Indu Misra,Adv.

For Respondent (s) Mr. Y P Singh, Adv.  
Mr. Ashok K. Srivastava,Adv.  
Mr. Ajay K. Agrawal.,Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Leave granted.  
The appeal is allowed. There shall be no order as  
to costs.

.SP1

(Meena Sarin)  
AR Cum PS

(Prem Prakash)  
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2743 OF 2001  
Arising out of  
SPECIAL LEAVE PETITION (CIVIL) NO.14953 OF 1999

Ram Chandra Shukla

Appellant

Versus

State of U.P. and Ors.

Respondents

O R D E R

Leave granted.

The appellant while serving as an Additional District and Sessions Judge was placed under suspension by an order of respondent No.3 dated 29th November, 1995 and subsequently after a departmental enquiry was dismissed from service by an order dated 17.4.1997. The appellant filed a writ petition, copy whereof has been placed on record as Annexure P-8. In the writ petition, various grounds were raised to challenge not only the order of dismissal but also the enquiry held and the enquiry report. The writ petition has been dismissed by the impugned order. Hence, this appeal by special leave.

We have perused the order of the High Court. After referring to some of the charges which were subject matter of the disciplinary enquiry, the appellant was non-suited by the High Court by the following observations:

"The petitioner has been found guilty in the enquiry report of Hon'ble A.N. Gupta, J. and the finding of guilt is a finding of fact and this Court cannot interfere with findings of fact. The petition is hence dismissed."

In our opinion, the approach of the High Court in dealing with the writ petition of the appellant was not correct. In vain, have we searched through the impugned order, for any discussion of the various grounds raised by the appellant against the enquiry report and the order of dismissal. Even the arguments raised by the appellant in support of the challenge to the order of dismissal, have neither been considered nor discussed. Our perusal of the writ petition filed in the High Court by the appellant shows that certain arguable points had been raised. The High Court ought to have discussed the issues involved in the case on merits. Merely dismissing the writ petition on the ground that 'findings of the enquiry officer, being findings of fact' cannot be interfered with in writ jurisdiction is to say the least is too broadly stated. Indeed, scope of judicial review in dealing with such matters is limited but even that limited scope has not been exhausted by the High

Court in this case. The impugned order in the circumstances cannot be sustained. We set it aside and remand the writ petition to the High Court for its fresh disposal in accordance with law. It shall be open to the parties to raise all such pleas as are available to them in law. We request the High Court to dispose of the writ petition expeditiously. We clarify that nothing said hereinabove shall be construed as any expression of opinion on the merits of the writ petition which should be decided on its own merits keeping in view our observations and the settled law on the subject.

The appeal is consequently allowed. There shall, however, be no order as to costs.

.....CJI.

.....J.  
( R.C. LAHOTI )

.....J.  
( BRIJESH KUMAR )

New Delhi;  
April 12, 2001.