


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 13413/2023

Sohanlal Nagar Head Master Son Of Shri Lal, Aged About 60 Years, R/o Village Bagod P/S Khanpur District Jhalawar, The Then Head Master Government Upper Primary School, Chandpura Chaplada (Khanpur) District Jhalawar Through CBE0 Khanpur District Jhalawar (Presently Dismissed From Service).

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary School Education Govt. Of Rajasthan Govt. Secretariat, Jan Path C Scheme Jaipur, Rajasthan.
2. The Director Secondary Education Govt. Of Rajasthan, Bikaner, Rajasthan.
3. The Joint Director (Disciplinary Authority), School Education Kota Division, Kota.

----Respondents

For Petitioner(s)	:	Mr. Rohitash Kumar Verma Ms. Monika Jhajharia
For Respondent(s)	:	Mr. Bhavya Kala for Ms. Namita Parihar, Govt. Counsel

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

06/04/2026

1. Heard the present writ petition for final disposal with the consent of learned counsel appearing on behalf of both the parties.
2. The present writ petition has been filed challenging the order of termination dated 10.07.2019 (Annex.1), based on the powers invoked by the respondent authority under Rule 19 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 (hereinafter referred to as 'the Rules of 1958'). The principal

ground for challenge in the present writ petition is that before a decision is taken under Rule 19 of the Rules of 1958, wherein no prior notice has been given, the respondent authority do not have the power to take a decision to remove the petitioner on account of conviction in a criminal case without any notice.

3. Learned counsel appearing on behalf of the petitioner submits that Rule 19 of the Rules of 1958 only enables the employer to dispense with the regular procedure of enquiry under Rules 16, 17 & 18 of the Rules of 1958, and that does not mean that the basic principle of giving notice is dispensed with. Therefore, the impugned order dated 10.07.2019 (Annex.1), which has been passed by the respondent authority, is against the procedure and in violation of the principles of natural justice and amounts to non-compliance with Article 311(2) of the Constitution of India. It is also his submission that the Revisional Court as well as the Appellate Court suspended the conviction pending the revision petition and appeal, and while the conviction is suspended, the petitioner is entitled to continue in employment till a final decision is taken in the revision petition as well as in the appeal.

4. Learned counsel appearing on behalf of the respondents tried to defend the impugned order of termination dated 10.07.2019 (Annex.1), stating that an order of removal in pursuance of conviction requires no notice. It is also his submission that even if a notice is required, it is an empty formality and, on that ground, the impugned order of termination cannot be set aside. Learned counsel further submits that the conviction of the petitioner in a

criminal case was not intimated to the employer, which conduct amounts to misconduct; therefore, he justifies the order.

5. Having gone through the contentions and the facts under which the present writ petition arose, it is an admitted fact that the learned Trial Court has convicted the petitioner and sentenced him to various terms for various offences. The said conviction was appealed. Before any interim application was taken up in the appeal, it appears that the respondents took a decision to terminate the petitioner based on the conviction. It is the admitted case that the respondents did not give any notice prior to invoking powers under Rule 19 of the Rules of 1958. It is also not in dispute that the petitioner obtained suspension of conviction both in the revision petition as well as in the appeal. Once a conviction is suspended, the consequences on account of conviction are required to be postponed. Had the petitioner been given prior notice, he could have expedited his proceedings so that before the decision was taken by the respondents under Rule 19 of the Rules of 1958, the petitioner could have obtained an appropriate order from either the Revisional Court or the Appellate Court seeking suspension of conviction so as to avoid the consequences of conviction and sentence. In the said background, notice cannot be an empty formality.

6. Though Rule 19 of the Rules of 1958 dispenses with the regular procedure of inquiry as contemplated under Rules 16, 17 & 18 of the Rules of 1958, it does not dispense with the principles of natural justice. Therefore, in view of the aforesaid, this Court finds that the writ petition is required to be allowed.

7. Accordingly, the present writ petition is ***allowed*** and ***the order of termination dated 10.07.2019 (Annex.1) is quashed and set aside.***

8. Since the petitioner has already superannuated, there cannot be any direction to reinstate the petitioner; however, the respondents are at liberty to initiate fresh proceedings under Rule 19 of the Rules of 1958 by giving proper notice and to take an appropriate decision thereon by considering the interim orders in the pending revision petition as well as the appeal.

(MUNNURI LAXMAN),J