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WA-1930-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 16th OF APRIL, 2026

WRIT APPEAL No. 1930 of 2024

RAM NIRANJAN SHARMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Vishnu Deo Singh Chauhan - Advocate for appellant.

Shri Ritwik Parashar - Government Advocate for respondent/State.
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ORDER

Per. Justice Pradeep Mittal

The present Writ Appeal has been filed under Section 2(1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005 assailing the order dated 27.05.2024 passed by a learned Single Judge of this Court in Writ Petition No.13180/2024 whereby the writ petition filed by the appellant/petitioner was dismissed at the admission stage.

2. The brief facts leading to the present litigation, as they emerge from the record, are as follows: The appellant was appointed to the post of Panchayat Karmi (Secretary, Gram Panchayat Deogawan, Tehsil Manpur, District Umaria) by order dated 27.06.2005. Allegations were levelled against him that he had fraudulently mentioned his date of birth as



07.06.1970 in place of his actual date of birth as 07.07.1966 in his appointment documents and mark sheets, thereby making himself eligible for appointment. It was further alleged that he had manipulated public funds for personal interest and had fabricated the thumbprint of the Sarpanch of the Gram Panchayat. On the basis of the aforesaid allegations, criminal cases were registered against the appellant under Sections 420, 467, 468 and 471 of the Indian Penal Code.

3. The CEO, Janpad Panchayat, Manpur, vide order dated 21.05.2009, terminated the services of the appellant from the post of Secretary, Gram Panchayat Deogawan. The appellant challenged the said termination by filing W.P. No.6707/2009 before this Court. The learned Single Judge disposed of the said writ petition vide order dated 22.07.2009, directing the Collector, Umaria to decide the representation of the petitioner/appellant after providing an opportunity of hearing. Accordingly, the Collector, Umaria, after due hearing, passed a detailed order dated 26.02.2010 (renumbered from 26.10.2010 in later reference) in Case No.1/A-89(A-23)/2009-10 and dismissed the representation of the appellant on merits, confirming his termination. The said order dated 26.02.2010 passed by the Collector, Umaria was never challenged by the appellant before any forum and has thus attained finality.

4. Thereafter, by judgment dated 11.05.2019 passed by the Ld. Third Additional Sessions Judge, Umaria in S.T. No.8/2010, the appellant was acquitted of the charges under Sections 468 and 471 of the IPC. Emboldened by his acquittal in the criminal case, the appellant made a representation on



16.10.2020 seeking reinstatement in service. The said representation was rejected by order dated 28.12.2021. The appellant's appeal before the Commissioner, Shahdol Division, was also dismissed by order dated 09.05.2023 passed in Case No.63/Appeal/2022-23. The appellant then filed Writ Petition No.13180/2024 before the learned Single Judge of this Court challenging the aforesaid order dated 09.05.2023, seeking reinstatement with all consequential benefits, which came to be dismissed by the impugned order dated 27.05.2024.

5. Learned counsel for the appellant submits that: (i) The impugned order dated 27.05.2024 is contrary to law and facts; (ii) The learned writ court failed to appreciate the grounds raised by the appellant and dismissed the petition in a mechanical manner without advertng to the legal arguments; (iii) The appellant was terminated solely because of the criminal case registered against him, and since he has been acquitted in the said criminal case, he is entitled to reinstatement; (iv) No departmental enquiry was conducted before the termination order dated 21.05.2009/26.02.2010 and the same was passed merely on the basis of a preliminary enquiry, which is in violation of principles of natural justice.

6. Learned Deputy Advocate General appearing for the State-respondents supports the impugned order and submits that the termination of the appellant was on merits after due deliberation by the Collector, Umaria and was not confined solely to the registration of the criminal case. He further submits that the order dated 26.02.2010 passed by the Collector, Umaria was never challenged and has attained finality, and thus the present



writ appeal deserves to be dismissed.

We have heard the learned counsel for both parties and have carefully perused the record.

7 . The pivotal question that falls for consideration in the present appeal is whether the acquittal of the appellant in the criminal proceedings under Sections 468 and 471 of IPC automatically entitles him to reinstatement in service, particularly when the order terminating his services was passed after an independent enquiry on merits and was never challenged ?

8. Before examining the said question, it is necessary to appreciate the factual matrix in its entirety. The gravamen of the charge against the appellant was that he had changed his date of birth from 07.07.1966 to 07.06.1970 a difference of approximately four years in his educational documents and appointment papers to fraudulently project himself as within the permissible age limit for appointment on the post of Panchayat Karmi. In addition, there were concurrent allegations of misappropriation of public funds and fabrication of the thumb print of the Sarpanch. Pursuant to directions issued by the S.D.O., Manpur, a formal enquiry was conducted by the CEO, Janpad Panchayat, Manpur, pursuant to which the services of the appellant were terminated on 21.05.2009.

9. The order dated 26.02.2010 passed by the Collector, Umaria which is the final order of termination is a detailed, reasoned order on the merits of the allegations. A perusal of the said order clearly reveals that the Collector, Umaria, examined the conduct of the appellant, the allegations of



forgery in the mark sheets, the manipulation of the date of birth, the fabrication of the Sarpanch's thumb impression, and the misappropriation of panchayat funds. The pendency of the criminal case was merely noted as a contextual backdrop, the termination was not founded solely on the registration of the FIR. This crucial distinction cannot be lost sight of.

10. The law on the relationship between criminal acquittal and departmental proceedings is well-settled. The two proceedings operate in entirely different domains. The standard of proof in criminal proceedings is proof beyond reasonable doubt, while departmental proceedings are governed by the standard of preponderance of probabilities. Acquittal in a criminal case, particularly an acquittal rendered on account of the prosecution's failure to prove its case beyond reasonable doubt as in the present matter does not, by its very nature, operate as an exoneration of the employee from the allegations in a departmental context.

11. A careful reading of the relevant portions of the judgment dated 11.05.2019 passed by the Ld. Third Additional Sessions Judge, Umaria in S.T. No.8/2010 is instructive. The acquittal was primarily rendered on the ground that the prosecution failed to produce the original application and documents submitted by the appellant at the time of appointment, failed to produce the verified copies of the mark sheets, and crucially, failed to lead any evidence as to what the maximum permissible age limit was for recruitment to the post of Panchayat Karmi. The trial court recorded that since the maximum age for a Panchayat worker was not proven, the question of any fraudulent alteration of date of birth with intent to obtain appointment



could not be established. In essence, the acquittal was rendered on the ground of

"...the prosecution has failed to prove that the accused committed forgery by changing the date of birth in the marksheets. Since the maximum age for a Panchayat worker was not proven, the question of using the said marksheets for fraud in the current case does not arise..."

The acquittal, therefore, was not a categorical finding that the appellant had not changed his date of birth or that the date of birth mentioned in his documents was correct. The trial court merely held that the prosecution had not placed sufficient material on record to establish the offence beyond reasonable doubt. This is a technical acquittal founded on evidentiary lapses of the prosecution, not a positive declaration of the appellant's innocence on the substantive facts.

12. It is apposite to note that the appellant himself, in the writ petition as well as in the present appeal, has not specifically denied that his actual date of birth is 07.07.1966. The entire case before the writ court as well as before this Court has been built upon the plea that since the criminal case has resulted in acquittal, the termination order must fall. The appellant has not challenged the factual substratum of the termination, namely, that his actual date of birth was 07.07.1966 and that he had substituted 07.06.1970 in his documents. A discrepancy of approximately four years in the date of birth spanning from 1966 to 1970 is not a minor clerical error; it is a calculated alteration that would have a material bearing on the eligibility of the appellant for appointment to a government post.



13. The most significant aspect of this case, which is fatal to the appellant's case, is the following: the order dated 26.02.2010 passed by the Collector, Umaria, which conclusively confirmed the termination of the appellant on merits, was never challenged by the appellant before any authority or Court. It is a settled position in law that an order which is not challenged becomes final and binding upon the parties. In the present case, the Collector's order dated 26.02.2010 which is a post-enquiry order passed on the merits of the allegations has attained finality. The entire superstructure of the appellant's claim for reinstatement rests upon his acquittal in the criminal case. However, since the termination order is not founded merely on the pendency or registration of the criminal case but is an independent order passed on the merits of the departmental allegations, the acquittal in the criminal case cannot undo or nullify the effect of an unchallenged order of termination.

14. The submission of the learned counsel for the appellant that the termination was made without a formal departmental enquiry and only on the basis of a preliminary enquiry, therefore violating principles of natural justice, also does not merit acceptance at this stage. The writ petition before the learned Single Judge was filed in the year 2024, challenging an appellate order of 2023 which confirmed a termination order of 2009/2010. The ground of violation of natural justice in respect of the original termination order has apparently never been raised or adjudicated in any of the prior proceedings. Moreover, the order of the Collector, Umaria dated 26.02.2010, which was passed pursuant to the directions of this Court in W.P.



No.6707/2009 after giving an opportunity of hearing to the appellant, itself cured any infirmity in the original termination order. The appellant participated in those proceedings and then chose not to challenge the adverse order passed therein. He cannot, after more than a decade, resurrect the plea of violation of natural justice in a collateral challenge.

15. The submission regarding merger of the termination order with the appellate order is also not of any assistance to the appellant. Even if the termination order is considered to have merged with the order of the Commissioner, Shahdol Division, the said order of the Commissioner dated 09.05.2023 was challenged in the writ petition and was found to be not warranting interference by the learned Single Judge. The doctrine of merger does not improve the appellant's substantive position because the core factual basis and the merits of the allegations stand independently confirmed at every level.

16. It is also relevant to note that a Criminal Appeal bearing No.11192/2023 has been preferred against the judgment of acquittal dated 11.05.2019, which is stated to be pending before the competent court. The acquittal upon which the appellant founds his entire case for reinstatement is therefore not conclusive even in the criminal sphere.

17. The learned Single Judge, in the impugned order dated 27.05.2024, correctly appreciated all the material aspects of the case. The learned Single Judge specifically noted that: (a) the services of the appellant were terminated after considering the merits of the case; (b) the factum of registration of the FIR was only incidentally taken note of; (c) the services



were not terminated on the single ground of registration of a criminal offence (d) the order dated 26.02.2010 was never challenged, and (e) the standard of proof in criminal and departmental proceedings is different. We are in complete agreement with the reasoning and conclusions of the learned Single Judge. No case of perversity, patent illegality, or non-application of mind is made out against the impugned order.

18. In the light of the foregoing discussion, we are of the considered opinion that the present Writ Appeal is devoid of merit. Accordingly, the Writ Appeal is dismissed. No order as to costs.

(VIVEK RUSIA)
JUDGE

(PRADEEP MITTAL)
JUDGE

Praveen