

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2026
(ARISING OUT OF SLP (CIVIL) NO. 16520 OF 2026)

HIGH COURT OF UTTARAKHAND AT
NAINITAL

APPELLANT(S)

VERSUS

DEEPALI SHARMA & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. The instant appeal arises out of the judgment dated 06.01.2026 passed by a Division Bench of the Uttarakhand High Court (comprising the then Hon'ble Chief Justice and the Puisne Judge) whereby the Division Bench allowed the Writ Petition filed by the first respondent. By way of a detailed judgment, the High Court exonerated the first respondent of the serious charges, which were proved in a domestic inquiry and on the basis of which she was removed from the judicial services of the State of Uttarakhand.

3. Mrs. Madhavi Divan, learned senior counsel for the appellant - High Court, has made several contentions on the strength of the evidence which was produced in the departmental inquiry, as also other attending circumstances, to demonstrate that it was a case of gross misconduct on the part of the judicial officer. It was argued that the first respondent, allegedly, victimised the minor girl, who was kept as a domestic help and was rescued with over 20 injuries on her body. At the outset, we may observe that in a departmental inquiry held in accordance with law and prescribed procedure, if such kind of allegations are proved, there can be no

exception but to approve the imposition of major punishment.

4. Unfortunately, the question that has followed for consideration, especially in light of the very strong observations made by the High Court in the impugned judgment, is whether the first respondent was also a victim of the circumstances and if not, whether the departmental inquiry was held against her in accordance with law.

5. While responding to the aforesaid question, we find that we need not go into the nature of charges levelled against respondent No.1, the quality of evidence produced against her and as to whether such evidence was admissible and/or whether, on the basis of the findings returned, the first respondent was rightly punished. What we find shocking is that the inquiry proceedings were initiated at the behest and instance of the Registrar General of the High Court, who was not examined during the proceeding nor any primary material was produced to show he had obtained any order whatsoever either from Hon'ble the Chief Justice of the High Court or from the disciplinary committee comprising the Hon'ble Judges of the High Court, if any, constituted by Hon'ble the Chief Justice of the High Court. The question in case of such gross lacunae is whether the first respondent could have been subjected to disciplinary proceedings at all.

6. We have no reason to doubt that the power under Article 235 of the Constitution has been expressly vested in the "High Court", which necessarily shall be comprising the Hon'ble Chief Justice and the companion Judges. Unless the disciplinary action is approved by the Chief Justice of the High Court or the Committee comprising

Judges, constituted by him as his delegates, the purported disciplinary action, for all intents and purposes, shall be *void ab initio*. The Registrar General of the High Court has absolutely no authority either in terms of the constitutional scheme or the statutory rules governing the service conditions of the judicial officers, to *suo-moto* initiate disciplinary action against any judicial officer. He can only act on behalf of Hon'ble the Chief Justice and the Judges of the High Court.

7. Such a recourse having not been followed, we find that the very foundation of the disciplinary action against respondent No.1 was *non-est* in law. In this view of the matter, it is not necessary for us to go into the findings of fact recorded by the High Court in the impugned judgment. Similarly, the question of law as to whether the High Court, in exercise of its power of judicial review, could shift as an appellate authority over the findings recorded by the inquiry officer, which was duly approved by the Full Court, need not be gone into by us.

8. The first respondent was appointed as a Judicial Officer in the year 2008. She has already been reinstated pursuant to the impugned judgment of the High Court. Taking into consideration the totality of the circumstances, especially when respondent No.1, from the very beginning, has been trying to make out a case that she was victim of the harassment at the hands of some senior judicial officers, we are not inclined to interfere with the operative part of the impugned judgment to the extent of setting aside the disciplinary action taken against the first respondent and her consequential reinstatement in service. All other questions

of law are kept open. The appeal is accordingly dismissed in the above terms.

9. We deem it necessary to clarify that we are disapproving of the disciplinary action on entirely different grounds, i.e., the question of law as discussed above and not on the facts, as discussed by the High Court in the impugned judgment.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

NEW DELHI;
MAY 18, 2026

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 (C) No(s). 16520/2026

[Arising out of impugned judgment and order dated 06-01-2026 in WPSB No. 266/2021 passed by the High Court of Uttarakhand at Nainital]

HIGH COURT OF UTTARAKHAND AT NAINITAL

Petitioner(s)

VERSUS

DEEPALI SHARMA & ANR.

Respondent(s)

(IA No. 139889/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 139890/2026 - EXEMPTION FROM FILING O.T.)

Date : 18-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :Mrs. Madhavi Divan, Sr. Adv.
Mrs. D. Bharathi Reddy, AOR
Mr. Nishant Sharma, Adv.
Mrs. D.tejaswi Reddy, Adv.
Mrs. Adviteeya, Adv.
Mr. Atharv Kotwal, Adv.
Ms. Riddhima Laharia, Adv.

For Respondent(s) :Ms. Sonia Mathur, Sr. Adv.
Mr. Daya Krishan Sharma, AOR
Mr. Rohit Vats, Adv.
Ms. Shubhi Bhardwaj, Adv.
Mr. Sushil Dubey, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is dismissed in terms of the signed order.

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)