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WP-10379-2016

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

WRIT PETITION No. 10379 of 2016*SMT. MANJU CHANDEL**Versus**DISTRICT AND SESSION JUDGE AND OTHERS*

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Appearance:

Shri Ahmad Shahid Hushain - Advocate for the petitioner.

Shri Shiv Mohan Lal Saxena - Advocate for the respondents.

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RESERVED ON: 23.02.2026

PRONOUNCED ON: 06.03.2026

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ORDER

Per. Justice Vivek Rusia

The petitioner filed the present petition against the order dated 10.06.2016/13.06.2016, whereby she has been removed from the services.

2. The petitioner is handicapped and was initially appointed in the respondent department in a reserved post for handicapped persons as a peon (contingency paid employee) on a Collector rate. Vide order dated 11.05.2015, she made an application to acquire a higher qualification. The petitioner was served with the charge-sheet dated 18.01.2016 that in the



application form, she suppressed her 10 + 2 qualification, whereas for the post in question, the desired qualification was 8th pass, which is a misconduct.

3. The petitioner submitted a reply that in the examination form, there was no column for disclosing the qualification of the 10th and 12th Class. Therefore, *bonafidely*, she disclosed only marks obtained in 8th Class. Thus, she did not suppress any higher qualification.

4. Vide order dated 10/13.06.2016, she was terminated from service, on the grounds that she has been irregular in working and there has been no improvement in his working and punctuality. Being aggrieved by the aforesaid order, the petitioner has preferred a petition before this Court.

5. The respondents have filed a reply to justify the impugned order. Alongwith the reply, the application form submitted by the petitioner has been annexed as Annexure R-1/1. It is correct that there was only one column to disclose the name of the school, year, marks and result of only class VIII. Therefore, the allegation is incorrect that she suppressed her higher qualification.

6. So far as the allegations of unsatisfactory working and lack of punctuality are concerned, there was only one letter written by the 7th Additional District Judge, Jabalpur. On one hand, the learned Judge was appreciative of her conduct and behavior, but expected improvement and punctuality in her work. This became the basis for the Administrative



Committee of the District Court's establishment not to recommend her continuance in the service.

7. The charge-sheet was also issued to the petitioner, but the Departmental Enquiry was not completed. During the pendency of the Departmental Inquiry, the letter written by the 7th Additional District Judge, Jabalpur, became the basis for her non-continuance of her appointment, and vide order dated 10/13.06.2016, she was removed from the services. Admittedly, the impugned order is stigmatic, and no opportunity of hearing was given to her before passing the same.

8. The charge-sheet was issued on the ground that she suppressed her educational qualification, but the termination was on the ground that there was no improvement in her work, although she was a contingency funds paid employee. Therefore, the impugned order dated 10/13.06.2016 is unsustainable in law.

9. In view of the above, the writ petition is **allowed**. The petitioner be taken back into the service with all consequences. However, she will not be entitled for backwages. No order as to cost.

(VIVEK RUSIA)
JUDGE

(PRADEEP MITTAL)
JUDGE