



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

&

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 30th OF JANUARY, 2026

WRIT APPEAL No. 127 of 2026

THE STATE OF MADHYA PRADESH AND OTHERS

Versus

MAN SINGH RAJPUT

.....
Appearance:

Shri Surendra Kumar Gupta - G.A for the appellant/State.

Shri L. C. Patne - Advocate for the respondent.
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ORDER

Per. Justice Vijay Kumar Shukla

The present writ appeal has been filed under Section 2(1) of Madhya Pradesh Uchha Nyayalaya (Khand Nyaypith Ko Appeal) Adhiniyam, 2005 being aggrieved by the order dated 15/4/2025 passed in W.P No.20404/2024 whereby the punishment order and appellate order was quashed and the writ petitioner was directed to be reinstated with all consequential benefits alongwith 6% interest per annum.

2. Facts of the case draped in brevity are that upon recommendation of a duly constituted selection committee, the writ petitioner was initially appointed on the substantive post of Assistant Teacher by an order dated 15.11.1988. He joined his duties on 25.11.2018. While serving on the post of Assistant Teacher, Government Primary School, Fulen, the writ petitioner



was placed under suspension by an order dated 24.4.2016 on account of registration of a criminal case against him at Crime No. 250/2015 under Section 307, 147, 148, 149, 294 and 235 IPC, in Police Station, Kalapipal, District Shajapur on 26.6.2015. Being aggrieved by the aforesaid suspension order, the petitioner submitted a representation to the appellant No. 5, District Education Officer, Shajapur who by order dated 5.9.2017 revoked the suspension of the petitioner. By another order dated 25.6.2019, issued by appellant No. 5, the petitioner was again placed under suspension on account of his detention in the criminal case for more than 48 hours, in respect of criminal case, on account of registration of which he was earlier placed under suspension. The learned IIIrd Additional Sessions Judge, Shujalpur, District Shajapur convicted the petitioner by a judgment of conviction dated 24.11.2022 for commission of offence punishable under Section 148, 325/149 IPC and sentenced him to undergo 1 year and 2 years simple imprisonment respectively with default stipulation. The jail sentence of the writ petitioner was suspended by order dated 10/1/2023. In view of the conviction, the competent authority dismissed the Respondent/writ petitioner from service vide order dated 06.03.2023 under Rule 19(1) read with Rule 10(9) of Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966, strictly in accordance with Government Circular dated 08.02.1999. The writ petitioner/respondent challenged the dismissal by filing W.P No.20404/2024, which was allowed by the impugned order dated 15.04.2024 by holding that the offence does not involve moral turpitude and directed for reinstatement with arrears and interest.



3. Counsel for the appellant submitted that the learned Single Judge erred while allowing the writ petition as the said petition was allowed without considering the fact that the writ petitioner was convicted in the criminal case. He further relied on a circular dated 8/2/1999 wherein it is provided that in case a person has been convicted in a case of involving 'moral turpitude', he is liable to be dismissed from service without departmental enquiry and no prior notice is required to be served.

4. Counsel for the respondent supported the impugned order and submitted that the order has been passed in the light of the various judgments passed by the Apex Court and this Court. There is no illegality as the offence in which the writ petitioner was convicted does not fall within the definition of 'moral turpitude'.

5. We have heard counsel for the parties and we do not find any merit in the appeal. A full Bench of this Court in the case of *Laxmi Narayan Hayaran vs. State of M.P & Anr.* reported in *2004 (4) MPLJ 555*, considered the issue that whether the services of an employee can be dismissed without holding an enquiry on the basis of conviction in a bribery case or not. The Court considered the provisions of Rule 19 of Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 and held that in a case of dismissal of employee on the ground of conviction, in exercise of power of judicial review, the Court can examine whether there was consideration of the relevant facts and circumstances by the disciplinary authority in imposing the penalty and correct the penalty if it is excessive, is in consonance with the decisions of the Supreme Court in the cases of



Divisional Personnel Officer, Southern Railways vs. T.R Challapan, reported in *AIR 1975 SC 2216*, *Union of India vs. Sunil Kumar Sarkar* reported in *AIR 2001 SC 1092*, *Shankar Dass vs. Union of India* reported in *AIR 1985 SC 772*, *Union of India vs. Tulsiram Patel* reported in *AIR 1985 SC 1416*. It was held that if the conviction is for any minor offence which does not involve any moral turpitude, a punishment of removal or dismissal from service will certainly be excessive. But where the conviction is on the ground of corruption, there can be no two views that imposition of punishment by way of dismissal is just and proper and not excessive.

6. As per the law laid down in para 12 by the Full Bench, if the facts of the present case are examined, we find that the conviction of the writ petitioner is not for an offence under the Prevention of Corruption Act. He has been convicted for the offence under Section 325 of IPC which is undisputably is not covered as 'moral turpitude' in the circular issued by the Government. The Apex Court has also taken a similar view in the case of *State Bank of India and Ors. vs. P. Soupramaniane* reported in *(2019) 18 SCC 135* wherein the Supreme Court has quashed the order of dismissal on the ground that the offence in the said case was not involving 'moral turpitude'.

7. In view of the aforesaid enunciation of law as discussed hereinabove, we do not find any illegality in the order passed by the learned Single Judge.

8. Accordingly, the appeal being devoid of merit is hereby dismissed.



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(VIJAY KUMAR SHUKLA)
JUDGE

PK

(ALOK AWASTHI)
JUDGE