



1

WP-13013-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 7th OF JANUARY, 2026WRIT PETITION No. 13013 of 2025*RAGHUNANDAN CHOLUDHARY**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

Appearance:

Shri Arvind Kumar Pathak - Advocate for the petitioner.

Shri Ved Prakash Tiwari - Government Advocate for the State.

ORDER

Petitioner has filed this petition under Article 226 of the Constitution of India challenging order dated 21.03.2025 (Annexure-P/1) by which petitioner was removed from service.

2. Learned counsel appearing for petitioner submitted that no departmental enquiry has been conducted against petitioner before his removal. Action of removal without conducting departmental enquiry is contrary to the Rules and there is violation of procedure required to be followed by respondent. Petitioner as well as respondents are governed by the The Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966. In view of same, impugned order may be quashed.

3. Learned Government Advocate appearing for State opposed Writ Petition. It is submitted by him that petitioner has been convicted in an offence under Section 420 of IPC. Appeal preferred by petitioner is pending. In departmental enquiry services of petitioner has been terminated. It is submitted that no fruitful purpose will be served in entertaining Writ Petition. Petitioner is a



convicted criminal and if impugned order of departmental enquiry is quashed, then petitioner will rejoin the service. He has been convicted of charge of moral turpitude. In these circumstances Writ Petition may not be entertained and same be dismissed.

4. Heard the counsel for the parties.

5. On going through facts of the case, it is found that petitioner has been convicted under Sections 420, 467, 120-B of the IPC in Case No.814/2000 by judgement dated 11.02.2025. It will not be in interest of public and administration to quash an order of departmental enquiry and reinstate a person who has been convicted under Section 420, 467 and 120-B of IPC. Aforesaid offences makes out a case of moral turpitude. Writ Court is a Court of equity and it exercises its jurisdiction on grounds of equity, justice, good consigs and fair play. Relief under Article 226 of Constitution of India is discretionary in nature. Since interference in order of departmental enquiry may be counter productive and against equity, justice and good consigs, therefore, Court refuses to exercise its jurisdiction under Article 226 of Constitution of India.

6. Writ petition is *dismissed*. Petitioner will be at liberty to approach this Court, if petitioner is successful in criminal appeal.

(VISHAL DHAGAT)
JUDGE

\$A