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WP-2148-2016

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND SINGH BAHRAWAT

ON THE 19th OF FEBRUARY, 2026WRIT PETITION No. 2148 of 2016*PRAYAGNARAYAN**Versus**PRINCIPAL SCINDIA SCHOOL FORT GWALIOR*

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Appearance:

Shri Prem Singh Pal - learned counsel for petitioner.

Ms.Chitra Bais - learned counsel for respondent.

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ORDER

This petition, under Article 226 of the Constitution of India, has been filed seeking following relief(s):

"7.1 यह कि, अनेक्चर पी/1 एवं अनेक्चर पी/2 तथा अनेक्चर पी-3 आधारहीन होने के कारण निरस्त करने की कृपा की जाएँ, एवं प्रतियाचिकाकर्ता क्रमांक-1 को आदेशित किया जावे कि, याचिकाकर्ता को दिनांक 11/07/2012 से ड्यूटी पर मान्य किये जाने के आदेश देने की कृपा की जाएँ।

7.2. यह कि, याचिकाकर्ता को अनेक्चर पी-1, 2, 3 के अनुसार कार्य से पृथक् करने एवं कार्य पर रखने तक की अवधि का पिछला समस्त वेतन भी भुगतान करने हेतु निर्देशित किया जाएँ।

7.3 यह कि, अन्य कोई सहायता, अनुतोष न्यायालय न्यायहित में उचित समझे वह याचिकाकर्ता को प्रतियाचिकाकर्तागण से दिलाने की कृपा की जाएँ।"

2. Learned counsel for the petitioner submits that petitioner was appointed to the post of Peon (Class-IV employee) in the respondent School on 08.07.1984. It is further submitted that petitioner completed 28 years of



service without any allegation or misconduct. However, all of a sudden, a charge-sheet was issued to petitioner and along with the charge-sheet, the list of witnesses and documents was not supplied. Thereafter, an inquiry was conducted. It is further submitted that at the time of inquiry, proper opportunity of being heard was not afforded to petitioner and thereafter his services were terminated. Petitioner filed a petition before the Labour Commissioner, Gwalior; however, the Labour Court rejected the claim of petitioner and upheld the order of dismissal. It is further submitted that the services of petitioner were terminated without affording proper opportunity of hearing, without conducting a fair inquiry and without following the principles of natural justice. It is further submitted that the documents and copies of statements of the management witnesses were not supplied to petitioner. It is further submitted that neither any item was recovered from the petitioner nor were any map of the place, seizure memo, or panchnama prepared. No proper opportunity was provided to petitioner to defend himself. It is further submitted that the Labour Court failed to consider the written submissions filed by petitioner. It is further submitted that with mala fide intention, a junior and colleague-advocate of the employer was appointed as the Inquiry Officer to conduct the inquiry and the respondents did not grant any opportunity to petitioner to take assistance of an advocate during the inquiry proceedings. It is further submitted that petitioner is an uneducated person and at the time of inquiry, no opportunity was given to have the statements read over and explained to him by any other person. The aforesaid aspect has also not been considered by the Labour Court. It is



further submitted that the petitioner has not admitted the charges. During the inquiry, his signatures were obtained on certain papers and being an illiterate person, he had no knowledge of what was written therein and merely affixed his signature. Learned counsel for the petitioner relied upon the judgment rendered by the Hon'ble Supreme Court in the case of **Prem Nath Bali v. Registrar, High Court of Delhi and another** AIR 2016 SC 101 and rendered by High Court of Madhya Pradesh *Chatrapal v. State of Uttar Pradesh reported in 2024 (I) MPWN 48*, and rendered by Delhi High Court *Indian Bank and others v. Shri Praveen Kumar*.

3. Per contra, learned counsel for respondent submits that entire enquiry was conducted in accordance with the Rules of the Scindia School and the Standing Orders. Under the said Rules and Standing Orders, there is no provision requiring copies of documents to be annexed along with the charge-sheet. The charge-sheet was duly served upon petitioner as per the applicable Rules and there was no illegality in its service. It is further submitted that petitioner had filed an application (Annexure P/5) dated 24.02.2014 before the Labour Court and vide order dated 29.04.2014, the Labour Court disposed of the said application by observing that all documents mentioned therein had already been supplied to petitioner. Only a video CD was directed to be supplied which was accordingly furnished to petitioner on 27.08.2014. It is further submitted that petitioner suppressed material facts regarding his admission of guilt. In his reply to the charge-sheet, petitioner admitted the charges levelled against him as reflected in Ex.2 (Page No. 11 of the reply). Learned counsel for respondent further



submits that Labour Court has recorded a finding that proper opportunity to lead defence evidence was afforded to petitioner during the enquiry. However, with *mala fide* intention, petitioner did not file the complete statement and placed only his affidavit and a portion of the cross-examination has not been submitted / filed. It is further submitted that learned Labour Court considered all the written submissions made by petitioner and thereafter passed the impugned order. The appointment of a junior and colleague-advocate of the employer as the Inquiry Officer is permissible and there is no illegality in such appointment, as the same was made in accordance with the Service Rules of the School. It is further submitted that petitioner never sought assistance of an advocate during the inquiry proceedings. As per the Service Rules, the inquiry was a domestic inquiry and such in-house inquiries are not akin to civil suits or criminal proceedings. The Inquiry Officer provided full opportunity to petitioner to defend himself. Learned counsel for respondent further submits that the services of petitioner were terminated on account of serious charges of selling tobacco, cigarettes, bidi, gutka and other such items within the school premises. The State and Central Governments have issued directions and framed rules prohibiting the sale of such items within specified areas of school premises. The petitioner was residing within the school campus, where students used to reside in hostels attend classes and use the playgrounds. It is further submitted that the entire statement of claim filed by petitioner was duly considered by the Presiding Officer of the Labour Court while passing the impugned award. The procedure for conducting an inquiry



and taking disciplinary action is specifically provided in the Service Rules of the School; therefore, the Civil Services (Classification, Control and Appeal) Rules are not applicable. It is further submitted that the standard of proof applicable to domestic inquiries is governed by the Service Rules of the School, and petitioner is erroneously contending that the standard of proof should be akin to that of a criminal trial. The inquiry was conducted in a fair manner and petitioner himself admitted his guilt in his reply to the charge-sheet as well as in his reply to the show-cause notice dated 29.06.2012 (Annexure R/9). It is further submitted that punishment imposed upon petitioner is commensurate with the gravity of the misconduct. While exercising supervisory jurisdiction under Article 227 of the Constitution of India this Court does not correct mere errors of fact or law and the scope of interference is very limited. It is further submitted that the charges levelled against the petitioner are serious in nature and have been duly proved in a full-fledged domestic/departmental inquiry. The Inquiry Officer found the petitioner guilty of the charges and thereafter his services were terminated after affording proper opportunity of hearing. The Labour Court has considered all the plea and facts and grounds and objections raised by petitioner and recorded findings based on the material available on record. In the absence of any perversity, the award cannot be interfered with by this Court under Article 226/227 of the Constitution of India.

4. Heard learned counsel for parties and perused the record.

5. On perusal of record, it is gathered that entire enquiry was conducted in accordance with the Rules of the Scindia School and the Standing Orders. Under



the said Rules and Standing Orders, there is no provision requiring copies of documents to be annexed along with the charge-sheet. The charge-sheet was duly served upon petitioner as per the applicable Rules and there was no illegality in its service. Petitioner had filed an application (Annexure P/5) dated 24.02.2014 before the Labour Court and vide order dated 29.04.2014, the Labour Court disposed of the said application by observing that all documents mentioned therein had already been supplied to petitioner. Only a video CD was directed to be supplied which was accordingly furnished to petitioner on 27.08.2014. Petitioner suppressed material facts regarding his admission of guilt. In his reply to the charge-sheet, petitioner admitted the charges levelled against him as reflected in Ex.2 (Page No. 11 of the reply). Labour Court has recorded a finding that proper opportunity to lead defence evidence was afforded to petitioner during the enquiry. However, with *mala fide* intention, petitioner did not file the complete statement and placed only his affidavit and a portion of the cross-examination on record. Learned Labour Court considered all the written submissions made by petitioner and thereafter passed the impugned order. The appointment of colleague-advocate of the employer as the Inquiry Officer is permissible and there is no illegality in such appointment, as the same was made in accordance with the Service Rules of the School. Petitioner never sought assistance of an advocate during the inquiry proceedings. As per the Service Rules, the inquiry was a domestic inquiry and such in-house inquiries are not akin to civil suits or criminal proceedings. The Inquiry Officer provided full opportunity to petitioner to defend himself. The services of petitioner were terminated on account of serious charges of selling tobacco, cigarettes, bidi, gutka and other such items within the school premises. The State and Central Governments have issued directions and framed rules prohibiting the sale of such



items within specified areas of school premises. The petitioner was residing within the school campus, where students used to reside in hostels, attend classes and use the playgrounds. The entire statement of claim filed by petitioner was duly considered by the Presiding Officer of the Labour Court while passing the impugned award. The procedure for conducting an inquiry and taking disciplinary action is specifically provided in the Service Rules of the School; therefore, the Civil Services (Classification, Control and Appeal) Rules are not applicable. The standard of proof applicable to domestic inquiries is governed by the Service Rules of the School and petitioner is erroneously contending that the standard of proof should be akin to that of a criminal trial. The inquiry was conducted in a fair manner and petitioner himself admitted his guilt in his reply to the charge-sheet as well as in his reply to the show-cause notice dated 29.06.2012 (Annexure R/9). Punishment imposed upon petitioner is commensurate with the gravity of the misconduct. While exercising supervisory jurisdiction under Article 227 of the Constitution of India this Court does not correct mere errors of fact or law and the scope of interference is very limited. The charges levelled against the petitioner are serious in nature and have been duly proved in a full-fledged domestic/departmental inquiry. The Inquiry Officer found the petitioner guilty of the charges and thereafter his services were terminated after affording proper opportunity of hearing. The Labour Court has considered all the plea and facts, grounds and objections raised by petitioner and recorded findings based on the material available on record. In the absence of any perversity, the award cannot be interfered with by this Court under Article 226/227 of the Constitution of India.

6. The Supreme Court in a case of *Iswarlal Mohanlal Thakkar Vs. Paschim Gujrat Viji Company Ltd. & Anr. (Civil Appeal No.4558 of 2014)* has considered



the scope of interference in the matter of award/order passed by the Labour Court while entertaining the petition under Article 227 of the Constitution by the High Court. The observation made by the Supreme Court is as under:-

“9. We find the judgment and award of the Labour Court well reasoned and based on facts and evidence on record. The High Court has erred in its exercise of power under Article 227 of the Constitution of India to annul the findings of the Labour Court in its award as it is well settled law that the High Court cannot exercise its power under Article 227 of the Constitution as an appellate court or reappreciate evidence and record its findings on the contentious points. Only if there is a serious error of law or the findings recorded suffer from error apparent on record, can the High Court quash the order of a lower court. The Labour Court in the present case has satisfactorily exercised its original jurisdiction and properly appreciated the facts and legal evidence on record and given a well reasoned order and answered the points of dispute in favour of the appellant. The High Court had no reason to interfere with the same as the award of the Labour Court was based on sound and cogent reasoning, which has served the ends of justice.

It is relevant to mention that in *Shalini Shyam Shetty v. Rajendra Shankar Patil* [(2010) 8 SCC 329 : (2010) 3 SCC (Civ) 338], with regard to the limitations of the High Court to exercise its jurisdiction under Article 227, it was held in para 49 that:

“The power of interference under Article 227 is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court.” It was also held that:

“High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of the court or tribunal subordinate to it.” Thus it is clear, that the High Court has to exercise its power under Article 227 of the Constitution judiciously and to further the ends of justice.

In the case of *Harjinder Singh v. Punjab State Warehousing Corpn.* [(2010) 3 SCC 192 : (2010) 1 SCC (L&S) 1146] this Court held that: “20. ... In view of the above discussion, we hold that the learned Single Judge of the High Court committed serious jurisdictional error and unjustifiably interfered with the award of reinstatement passed by the Labour Court with compensation of Rs 87,582 by entertaining a wholly unfounded plea that the



appellant was appointed in violation of Articles 14 and 16 of the Constitution and the Regulations.””

7. Further, in a case reported *in (2010) 9 SCC 385 parties being Jai Singh and Others Vs. Municipal Corporation of Delhi and Another*, the Supreme Court has dealt with the nature and scope of Article 227 of Constitution and observed as under:-

“15. We have anxiously considered the submissions of the learned counsel. Before we consider the factual and legal issues involved herein, we may notice certain well-recognised principles governing the exercise of jurisdiction by the High Court under Article 227 of the Constitution of India. Undoubtedly the High Court, under this article, has the jurisdiction to ensure that all subordinate courts as well as statutory or quasi-judicial tribunals, exercise the powers vested in them, within the bounds of their authority. The High Court has the power and the jurisdiction to ensure that they act in accordance with the well-established principles of law. The High Court is vested with the powers of superintendence and/or judicial revision, even in matters where no revision or appeal lies to the High Court. The jurisdiction under this article is, in some ways, wider than the power and jurisdiction under Article 226 of the Constitution of India. It is, however, well to remember the well-known adage that greater the power, greater the care and caution in exercise thereof. The High Court is, therefore, expected to exercise such wide powers with great care, caution and circumspection. The exercise of jurisdiction must be within the well-recognised constraints. It can not be exercised like a “bull in a china shop”, to correct all errors of judgment of a court, or tribunal, acting within the limits of its jurisdiction. This correctional jurisdiction can be exercised in cases where orders have been passed in grave dereliction of duty or in flagrant abuse of fundamental principles of law or justice.”

8. Giving anxious consideration to the facts and circumstances of the present case, this Court finds that the judgment in *Prem Nath Bali, Chartapal and Shri Praveen Kumar (supra)*, relied upon by learned counsel for petitioner, is not applicable to it. The action taken against petitioner was strictly in accordance with the Service Rules of the School. Moreover, the petitioner himself had admitted his guilt; therefore, the ratio laid down in the aforesaid judgment has no application to the facts of the present matter.



9. In view of the foregoing discussion and considering the facts and circumstances of the case in their entirety, this Court is of the considered opinion that the present petition, being *sans* substance, is **hereby dismissed**.

(ANAND SINGH BAHRAWAT)
JUDGE

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