IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15969 of 2012

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Nalinee Kant Mishra Son of Diwakar Mishra Resident of Gola Road, Bank Colony, Lane- 2, Patna- 2, P.O. and P.S.- Danapur, Patna- 801503

... ... Petitioner/s

Versus

1. The UCO Bank through its Chairman, Head Office, 10 B.T.M. Sarani, Kolkata
2. The Chairman, UCO Bank, Head Office, 10 B.T.M. Sarani, Kolkata
3. The Executive Director, UCO Bank, Head Office, 10 B.T.M. Sarani, Kolkata
4. The General Manager (Personnel Services), UCO Bank Head Office- 2, Personnel Services Department, 3-4 DD Block, Sector-1, Salt Lake City, Kolkata- 700064
5. The Assistant General Manager, UCO Bank, Bhagalpur Zonal Office, Adampur, S.K. Tarafdar Road, Bhagalpur- 812001

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha, Advocate
Mr. Mahesh Kumar, Advocate
Mr. Mirtunjay Kumar, Advocate
Ms. Urvashi Bharti, Advocate

For the Respondent/s : Mr. Sanjay Singh, Sr. Advocate
Mr. Ranjit Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

C.A.V. JUDGMENT

Date : 18-11-2025

Heard Mr. Ajit Kumar Ojha, learned counsel for the petitioner and Mr. Sanjay Singh, learned Senior counsel assisted by Mr. Ranjit Kumar Pandey, learned counsel for the respondent-UCO Bank.

2. The petitioner has filed the instant application challenging the order dated 31.8.2009 passed under the

signature of the Assistant General Manager (Disciplinary Authority), UCO Bank dismissing the petitioner from Bank's service with immediate effect, the order dated 18.9.2010 passed by the General Manager, Personnel Services, Appellate Authority modifying the order of punishment of the petitioner to one of compulsory retirement as also the order dated 26.8.2011 of the Executive Director (Reviewing Authority) rejecting the petition for review filed by the petitioner.

3. The case of the petitioner in brief is that while posted as the Manager of Gulnikhusaha Branch of the UCO Bank, the Assistant General Manager, Zonal Office at Bhagalpur issued chargesheet on 19.5.2008 containing nine charges of omission and commission asking the petitioner to submit his explanation and show cause within ten days as to why disciplinary action be not initiated against him in terms of UCO Bank Officers/Employees (Conduct) Regulations, 1976 (hereinafter referred to as the 'Regulations of 1976'). The petitioner submitted his reply on 7.6.2008. After conduct of the departmental proceeding, the Enquiry Officer submitted his enquiry report dated 9.1.2009 holding charge nos. 3, 4, 8 and 9 to be proved, charge nos.1, 2, 5 and 6 to be partially proved and charge no.7 as not proved against the petitioner. A copy of the

enquiry report was sent to the petitioner by the Disciplinary Authority to which the petitioner filed his comments on 5.2.2009. The Disciplinary Authority on 31.8.2009 passed its final orders of punishment against the petitioner of dismissal from Bank's service.

4. The petitioner preferred an appeal against the order of punishment dated 31.8.2009 before the General Manager (Appellate Authority). By order dated 18.9.2010, the Appellate Authority modified the order of punishment of dismissal from Bank's service of the petitioner to one of compulsory retirement from service. The petitioner preferred a review petition under section 18 of the Regulations of 1976 which was rejected by order dated 26.8.2011 passed by the Executive Director (Reviewing Authority).

5. It is against these three orders ie the order dated 31.8.2009 of the Disciplinary Authority, the order dated 18.9.2010 of the Appellate Authority and the order dated 26.8.2011 of the Reviewing Authority that the instant application has been filed.

6. It is submitted by Mr. Ajit Kumar Ojha, learned counsel appearing for the petitioner that in the departmental proceeding, the petitioner had submitted documentary evidence

to defend himself against the allegations levelled against him. In the order of punishment while the allegations and the so called proof in support thereof had been discussed in detail, the material produced by the petitioner in his defence have neither been considered nor discussed at all. There is a clear case of non application of mind on part of the Disciplinary Authority. The respondent-Bank itself has admitted that no pecuniary loss has been caused to it. Further, it is not the Branch Manager alone who is responsible for either sanctioning or disbursing the loans but there is a team of officials who supervise the sanctioning and disbursement of loans. So far as the Branch Manager is concerned, he is only the final signing authority and the petitioner has apparently been made a scapegoat.

7. It was further submitted by learned counsel appearing for petitioner that the funds in question were received from NABARD and though their disbursement was delayed at the oral insistence of the superior authority the said loans under Government scheme were sanctioned in a hurried manner in order to meet the disbursement target within time. It was further submitted that neither any illegality nor even irregularity could be proved in the nine charges levelled in the proceedings. Further, admittedly no pecuniary loss whatsoever was suffered

by the Bank. Further, even the conversion of the order of punishment of dismissal from service to one of compulsory retirement with no future employment clause is extremely harsh, arbitrary and disproportionate. The petitioner had rendered 30 years of unblemished service. It was thus prayed that the orders of punishment impugned herein being not sustainable, the same be set aside, the petitioner be reinstated in service with all consequential benefits and he be paid his retiral dues.

8. Mr. Sanjay Singh, learned Senior counsel assisted by Mr. Ranjit Kumar Pandey, learned counsel for the respondent-Bank opposing the writ application submitted that for several acts of omission and commission, the petitioner who was posted as Manager, Gulnikhusaha Branch of the UCO Bank was issued with chargesheet dated 19.5.2008 asking him to submit his reply within ten days. On receipt of the petitioner's reply and not finding the same to be satisfactory, disciplinary proceeding was initiated against him which ended in the order of punishment of dismissal from service being passed by the Disciplinary Authority. In the appeal preferred, the Appellate Authority changed the order of punishment from service to one of compulsory retirement.

9. It was further submitted by learned Senior

counsel appearing for the Bank that the charges levelled against the petitioner were based on documentary evidence. The Presenting Officer submitted documents which were marked as Management Exhibits ie ME-1 to ME-77. Mr. M.Sheo Shankar was produced as management witness (M.W.1) on behalf of the Bank in the enquiry proceedings who was also cross-examined by the defence representative. The petitioner was given opportunity to produce evidence in course of enquiry which he produced.

10. It was further submitted by learned Senior counsel appearing for the Bank that the Enquiry Officer submitted the enquiry report dated 9.1.2009 where he found the charge nos.3, 4, 8 and 9 to be proved, charge nos.1, 2, 5 and 6 to be partially proved and charge no.7 not to have been proved. A copy of the enquiry report was provided to the petitioner to which he submitted his comments and on going through the same the Disciplinary Authority passed the order of punishment. The order of punishment was subsequently modified by the Appellate Authority.

11. Learned Senior counsel appearing for the Bank submitted that Regulation 4 of the Regulations of 1976 provides for penalties which may be imposed on an officer/employee for

acts of misconduct and clause 4(h) thereof provides for the punishment of compulsory retirement being one of the major penalties. It was further submitted that the review preferred by the petitioner was rejected by the Executive Director.

12. Learned Senior counsel appearing for the Bank further made his submission on the scope and powers of judicial review by the Court in exercise of its jurisdiction under Article 226 of the Constitution. Placing reliance on the judgments of the Hon'ble Supreme Court in the case of **Deputy General Manager (Appellate Authority) and Others vs. Ajai Kumar Srivastava; (2021) 2 SCC 612, Union of India and others vs. P. Gunasekaran; (2015) 2 SCC 610 and Airports Authority of India vs. Pradip Kumar Banerjee; (2025) 4 SCC 111,** it was submitted that the standard of proof required in a disciplinary proceeding is one of preponderance of probability and not proved beyond reasonable doubt. The High Court can only see that the enquiry is held by competent authority according to the procedure prescribed and that there is no violation of the principles of natural justice. It cannot reappreciate the evidence nor go into the adequacy or reliability thereof. It was thus submitted that no arguments having been raised by the petitioner with respect to any procedural

irregularity and the arguments primarily focusing on re-appreciation of the evidence lead in the departmental proceeding which cannot be looked into by the High Court, there is no merit in the instant application and the same be dismissed.

13. Heard learned counsel for the parties and perused the material on record.

14. The relevant facts in brief are that at the relevant time while posted as the Manager of Gulnikhusaha Branch of the UCO Bank, on the allegations of omission and commission having been committed, the petitioner was served with the chargesheet on 19.5.2008. The petitioner was asked to file his reply thereto which he filed on 7.6.2008. The Enquiry Officer submitted his detailed enquiry report dated 9.1.2009 running into 43 pages which has been brought on record as Annexure-2 to the writ application. As per the report, charge nos.3, 4, 8 and 9 were found to be proved, charge nos.1, 2, 5 and 6 to be partially proved and charge no.7 was not proved. On perusal of the contents of the enquiry report, it transpires that the Presenting officer, the defence representative and the chargesheeted officer participated in the enquiry proceeding. The Presenting Officer produced 77 documents in support of the charges along with the witness namely Sri M. Sheo Shankar, the

present Manager of the Gulnikhusaha Branch to prove the same. On the other hand, the defence representative produced 63 documents in support of his defence.

15. At this stage, the Court would briefly deal with charge nos.3, 4, 8 and 9 which were found to be proved in the enquiry report. Charge no.3 was that the petitioner while posted at Gulnikusaha Branch had financed under the MSTP scheme to the borrowers in gross misuse of his lending powers after expiry of the scheme on 31.3.2007 and he had not obtained the proper land possession certificate. The charge proceeds to give in detail the allegations as also the documents/exhibits relied on to prove the same on behalf of the management. The Enquiry Officer while dealing with the said charge, referring to the various documents/letters etc. which were all marked as management exhibits concluded that as per the letter of NABARD, the subsidy was to be utilised by 31.3.2007 and the excess amount was to be refunded. However, the petitioner, even after the scheme coming to an end on 31.3.2007 financed 50 accounts in the month of June and July, 2007 as is evident from different exhibits and that too without obtaining proper land possession certificates (LPCs). Further, the loans were disbursed without verifying the completion of the work of boring which was in

complete violation of the Bank guidelines. Further, as peer the MSTP scheme, while the loan had to be disbursed in two instalments ie firstly, for the cost of boring and secondly, for purchase of the pumping set, however, as is evident from the ledger folios of the loan accounts which were exhibited, the total loan amount was disbursed lump sum in a single instalment.

16. Charge no.4 was to the effect that ignoring the instructions issued by the Regional Manager, Bhagalpur conveyed through letter dated 16.10.2006, the petitioner had disbursed 15 loans under the UHJKY (UCO *Hirak Jayanti Krishi Yojana*) scheme and 25 loans under the KCC scheme. The Enquiry Officer took into note that the petitioner had accepted receipt of the letter of the Regional Manager, Bhagalpur on 25.10.2006, nevertheless proceeded with the disbursement of the loans.

17. Charge no.8 was to the effect that the petitioner had misappropriated the fund of Rs.3 lacs by debiting SB Account no.3757 of Sri Nirmal Kumar Singh and crediting the same to the loan account of Sri Kaladhar Pathak under UHJKY scheme without any authority of the account holder Nirmal Kumar Singh. This allegation was also dealt with on the basis of a number of management exhibits including ME-1, ME-52, ME-

53 and ME-64 to ME-68.

18. As per charge no.9, the petitioner indiscriminately financed 24 loans under the PMRY violating the norms, guidelines and rules of the Bank. While the guidelines provided for two separate accounts while granting composite loan ie one as C/C account for working capital portion and one as term loan for the block capital portion to be opened while disbursing PMRY loan, the petitioner disbursed all 24 loan accounts under the PMRY in the form of term loan. As per the norms of the Bank, the loan should be disbursed by directly payment to the supplier of the assets to ensure end use of the Bank's fund, however, in violation of the guidelines and norms of the Bank, as per the enquiry report, the petitioner sanctioned and disbursed 10 PMRY loan accounts in June and July, 2007 just before being relieved from the Branch.

19. Having gone through the charges levelled against the petitioner and specially charge nos.3, 4, 8 and 9 referred to herein above, it transpires that in course of enquiry, the Enquiry Officer dealt with the charges levelled together with the evidence including the documents/exhibits produced on behalf of the management in support of the same. A copy of the enquiry report was provided to the petitioner asking him to file

his response thereto. The petitioner submitted his comments on 5.2.2009. Taking the same into consideration, the Disciplinary Authority passed a detailed final order exonerating the petitioner with respect to charge no.7 which was not proved in course of enquiry. Taking into consideration the charge nos.1, 2, 5 and 6 which were partially proved and charge nos.3, 4, 8 and 9 which were proved, order of punishment dated 31.8.2009 was passed imposing the punishment of dismissal from Bank's service on the petitioner. The appeal preferred by the petitioner was considered by the Appellate Authority who by his order dated 18.9.2010 was pleased to modify the order of punishment of dismissal from service to the order of the petitioner being compulsorily retired from service. The review petition preferred by the petitioner on 6.3.2011 was rejected by the Reviewing Authority on 26.8.2011.

20. Coming to the submissions raised by learned counsel appearing for the petitioner, on perusal of the contents of the enquiry report, this Court finds that the charges levelled in the chargesheet have been dealt with taking into consideration the evidence lead by the parties including the documentary evidence/exhibits. The enquiry report having dealt with each of the charges and considering the case of the parties, the same

running into 43 pages, it cannot be said that it suffers from non application of mind.

21. So far as the contention of the petitioner that no pecuniary loss was caused to the Bank and he is not solely responsible for sanctioning and disbursement of the loans, it may be observed here that at the relevant time for which the allegations have been levelled, the petitioner was posted as the Manager of the Branch in question. The role and responsibility of the Manager cannot be compared with or diluted on account of the functions having been carried out by the others in the Branch who are all subordinate to and working under him.

22. The contention of the delayed disbursement having been carried out in a hurried manner at the oral insistence of the superior authority to meet the disbursement target is not only vague and unsubstantiated but fit to be rejected.

23. So far as the contention of no pecuniary loss having been suffered by the Bank nor any illegality or irregularity having been proved is concerned, it may be noted here that from perusal of the charges levelled in the chargesheet, the allegations were mainly of violation of the norms and guidelines of the Bank while sanctioning loans under the different schemes. Not only the loans were sanctioned after

expiry of the scheme but also without having obtained the land possession certificate (LPC) as also without ensuring execution of the work of boring and use of funds. The loans were also sanctioned under the different schemes by him even after his lending powers had been kept in abeyance by the Regional office.

24. Learned counsel for the petitioner further submitted that though the Appellate Authority converted the order of punishment of dismissal, however, even imposition of the punishment of the petitioner being compulsorily retired from service is extremely harsh, arbitrary and disproportionate to the charges. It may be observed here that it was after holding a full length enquiry in accordance with the Bank's Regulations of 1976 that the order of punishment against the petitioner has been passed. In view of the contents of the enquiry report as also the order of the Disciplinary Authority and the Appellate Authority, the Court finds no merit in the instant submission.

25. Taking all these facts into consideration, the Appellate Authority while hearing the appeal, though did not set aside the order of punishment completely but modified the same to one of the petitioner being compulsorily retired from service. The review petition preferred by the petitioner under section 18

of the Regulations of 1976 was rightly rejected taking into consideration that all the material facts had been taken into consideration by the Appellate Authority and that no new material or evidence had been produced for review as per Regulation 18.

26. At this stage, it would be relevant to take into consideration the scope of judicial review by a Court under Article 226 of the Constitution.

27. The Hon'ble Supreme Court in the case of ***Union of India and others vs. P. Gunasekaran; (2015) 2 SCC 610*** held as follows:

> *"12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence. The High Court can only see whether:*
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> *(a) the enquiry is held by a competent authority;*

(b) the enquiry is held according to the procedure prescribed in that behalf;

(c) there is violation of the principles of natural justice in conducting the proceedings;

(d) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;

(e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;

(f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;

(g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;

(h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;

(i) the finding of fact is based on no evidence.

13. Under Articles 226/227 of the Constitution of India, the High Court shall not:

(i) reappreciate the evidence;

(ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;

(iii) go into the adequacy of the evidence;

(iv) go into the reliability of the evidence;

(v) interfere, if there be some legal evidence on which findings can be based.

(vi) correct the error of fact however grave it may appear to be;

(vii) go into the proportionality of punishment unless it shocks its conscience.

15. In State of A.P. v. Chitra Venkata Rao, the principles have been further discussed at paras 21-24, which read as follows: (SCC pp.561-63)

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"23. The jurisdiction to issue a writ of certiorari under Article 226 is a supervisory jurisdiction. The Court exercises it not as an appellate court. The findings of fact reached by an inferior court or tribunal as a result of the appreciation of evidence are not reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by a tribunal, a writ can be issued if it is shown that in recording the said finding, the tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Again if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a

writ of certiorari. A finding of fact recorded by the Tribunal cannot be challenged on the ground that the relevant and material evidence adduced before the Tribunal is insufficient or inadequate to sustain a finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal. (See Syed Yakoob v. K.S. Radhakrishnan.)"

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28. The Hon'ble Supreme Court in the case of ***Deputy General Manager (Appellate Authority) and Others vs. Ajai Kumar Srivastava; (2021) 2 SCC 612*** held as follows:

"22. The power of judicial review in the matters of disciplinary inquiries, exercised by the departmental/appellate authorities discharged by constitutional courts under Article 226 or Article 32 or Article 136 of the Constitution of India is circumscribed by limits of correcting errors of law or procedural errors leading to manifest injustice or violation of principles of natural justice and it is not akin to adjudication of the case on merits as an appellate authority which has been earlier examined by this Court in the State of T.N. v. T.V. Venugopalan and later in State of T.N. v. A. Rajapandian and further examined by the three-Judge Bench of this Court in B.C. Chaturvedi v. Union of India wherein it has been held as under: (B.C. Chaturvedi case, SCC pp. 759-60, para 13)

> *"13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappreciate the evidence or the nature of punishment. In a disciplinary enquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the court/tribunal. In Union of India v. H.C. Goel this Court held at SCR p. 728 (AIR p. 369, para 20) that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued."*

23. It has been consistently followed in the later decision of this Court in H.P. SEB v. Mahesh Dahiya and recently by the three-Judge Bench of this Court in Pravin Kumar v. Union of India.

24. It is thus settled that the power of judicial review, of the constitutional courts, is an evaluation of the decision-making process and not the merits of the decision itself. It is to ensure fairness in treatment and not to ensure fairness of conclusion. The court/tribunal may interfere in the proceedings held against the delinquent if it is, in any manner, inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the conclusion or finding reached by *the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached or where the conclusions upon consideration of the evidence reached by the disciplinary authority are perverse or suffer from patent error on the face of record or based on no evidence at all, a writ of certiorari could be issued. To sum up, the scope of judicial review cannot be extended to the examination of correctness or reasonableness of a decision of authority as a matter of fact.*

25. When the disciplinary enquiry is conducted for the alleged misconduct against the public servant, the court is to examine and determine:

(i) whether the enquiry was held by the competent authority;

(ii) whether rules of natural justice are complied with;

(iii) whether the findings or conclusions are based on some evidence and authority has power and jurisdiction to reach finding of fact or conclusion.

27. It is true that strict rules of evidence are not applicable to departmental enquiry proceedings. However, the only requirement of law is that the allegation against the delinquent must be established by such evidence acting upon which a reasonable person acting reasonably and with objectivity may arrive at a finding upholding the gravity of the charge against the delinquent employee. It is true that mere conjecture or surmises cannot sustain the finding of guilt even in the departmental *enquiry proceedings.*

28. The constitutional court while exercising its jurisdiction of judicial review under Article 226 or Article 136 of the Constitution would not interfere with the findings of fact arrived at in the departmental enquiry proceedings except in a case of mala fides or perversity i.e. where there is no evidence to support a finding or where a finding is such that no man acting reasonably and with objectivity could have arrived at those findings and so long as there is some evidence to support the conclusion arrived at by the departmental authority, the same has to be sustained.

42. Before we conclude, we need to emphasise that in banking business absolute devotion, integrity and honesty is a sine qua non for every bank employee. It requires the employee to maintain good conduct and discipline and he deals with money of the depositors and the customers and if it is not observed, the confidence of the public/depositors would be impaired. It is for this additional reason, we are of the opinion that the High Court has committed an apparent error in setting aside the order of dismissal of the respondent dated 24-7-1999 confirmed in departmental appeal by order dated 15-11-1999.

29. The Hon'ble Supreme Court in the case of ***Airports Authority of India vs. Pradip Kumar Banerjee; (2025) 4 SCC 111*** held as follows:

"34. The Division Bench in the impugned judgment, further observed that the disciplinary authority and the appellate authority

did not consider the representation of the respondent and acted without application of mind while imposing the penalty of dismissal from service against the respondent. On a perusal of the orders passed by the disciplinary authority and the appellate authority, we find that the representation submitted by the respondent has been duly adverted to and objectively considered by both the authorities and the same were found to be devoid of substance.

35. It is trite law that in disciplinary proceedings, it is not necessary for the disciplinary authority to deal with each and every ground raised by the delinquent officer in the representation against the proposed penalty and detailed reasons are not required to be recorded in the order imposing punishment if he accepts the findings recorded by the Enquiry Officer. Our view stands fortified by the decision of this Court in Boloram Bordoloi v. Lakhimi Gaolia Bank, wherein it was held: (SCC p. 810, para 11)

"11. Further, it is well settled that if the disciplinary authority accepts the findings recorded by the enquiry officer and passes an order, no detailed reasons are required to be recorded in the order imposing punishment. The punishment is imposed based on the findings recorded in the enquiry report, as such, no further elaborate reasons are required to be given by the disciplinary authority."

36. All that is required on the part of the disciplinary authority is that it should examine *the evidence in the disciplinary proceedings and arrive at a reasoned conclusion that the material placed on record during the course of enquiry establishes the guilt of the delinquent employee on the principle of preponderance of probabilities. This is precisely what was done by the disciplinary authority and the appellate authority while dealing with the case of the respondent.*

37. In our considered view, the Division Bench fell into grave error in substituting the standard of proof required in a criminal trial vis-à-vis the disciplinary enquiry conducted by the employer. It is a settled principle of law that the burden laid upon the prosecution in a criminal trial is to prove the case beyond reasonable doubt. However, in a disciplinary enquiry, the burden upon the department is limited and it is required to prove its case on the principle of preponderance of probabilities.

38. In this regard, we are benefitted by the judgment of this Court in Union of India v. Sardar Bahadur, wherein this Court held as follows: (SCC p. 623, para 15)

"15.... A disciplinary proceeding is not a criminal trial. The standard proof required is that of preponderance of probability and not proof beyond reasonable doubt. If the inference that Nand Kumar was a person likely to have official dealings with the respondent was one which a reasonable person would draw from the proved facts of the case, the High Court cannot sit as a court of appeal

over a decision based on it. Where there are some relevant materials which the authority has accepted and which materials may reasonably support the conclusion that the officer is guilty, it is not the function of the High Court exercising its jurisdiction under Article 226 to review the materials and to arrive at an independent finding on the materials. If the enquiry has been properly held the question of adequacy or reliability of the evidence cannot be canvassed before the High Court...."

30. Taking into consideration the materials on record and the contentions of the parties as discussed above together with the law with respect to the scope of judicial review dealt with by the Hon'ble Supreme Court in the judgments referred to herein above, in the opinion of the Court, the petitioner has not made out any case for interference in the order impugned in the instant application. The Court finds no merit in the case of the petitioner.

31. The application is dismissed.

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	N.A.F.R.
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