HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Spl. Appl. Writ No. 309/2024

Ranveer Singh S/o Late Sh. Ram Singh, Aged About 60 Years, R/o H. No. 1186, Uniyaro Ka Rasta, Chandpole Bazar, Jaipur, District Jaipur, (Raj.).

----Appellant

Versus

1. The State Of Rajasthan, Through The Secretary, Department Of Education, Government Of Rajasthan, Secretariat, Jaipur (Raj.).
2. The Secretary, Department Of Rural Development And Panchayati Raj, Government Of Rajasthan, Jaipur.
3. The Director, Elementary Education, Bikaner, District Bikaner, Rajasthan.
4. The Chief Executive Officer, Zila Parishad, Barmer, District Barmer, Rajasthan.
5. The Additional Chief Executive Officer, Zila Parishad, Barmer, District Barmer, Rajasthan.
6. The District Education Officer, (Headquarter), Elementary Education, Barmer, District Barmer, Rajasthan.

----Respondents

For Appellant(s) : Mr. Narpat Singh Arha
For Respondent(s) : Mr. BL Bhati, AAG

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT

Order

10/01/2025

1. The appellant got a bona fide certificate by the Competent Authority on 13.01.1992. The appellant was selected for the post of Teacher Grade-III on 21.08.1997. As a result of an FIR having been registered bearing No.4/2001 the bona fide certificate came under a cloud and for the same a charge-sheet was issued to the appellant on 10.01.2000 and as a result of the proceedings in pursuance of the charge-sheet, the services of the appellant were terminated on 26.04.2000. The appeal against the termination order was dismissed on 18.04.2001, thereafter, such order was challenged by the appellant in a writ petition bearing number SB Civil Writ Petition No.2446/2001 which was also dismissed vide order dated 13.12.2011 against which a Special Appeal bearing

Number DB SAW No. 298/2012 was preferred which was also dismissed on 03.05.2012. It is an undisputed fact that the dismissal/ termination order thus acquired finality.

2. Today, the counsel for the appellant has tried to make out a case that subsequent to such termination, the criminal proceedings which were going on simultaneously have been decided in favour of the appellant and he has been acquitted in the criminal proceedings.

3. The counsel for the appellant submits that since there is a subsequent event which has to be considered and thus he has to be heard afresh by giving an opportunity arising out of the acquittal in criminal proceedings.

4. The counsel for the appellant has relied upon the judgment of the Hon'ble Apex Court in 2007(1) SCC in Appeal (Civil) No. 4772/2006 State of Haryana and Ors Vs. M.P. Mohla decided on 10.11.2006, Civil Appeal No. 7935/2023 Ramlal Vs. State of Rajasthan decided on 04.12.2023, 2005(3) SCC-752 in Appeal (Criminal) No. 484/2005 State of Nagaland Vs. Lipok AO & Ors decided on 01.04.2005 and 1987(2) SCC-107, in Civil Appeal No. 460/1987 Collector, Land Acquisition, Anantnag and Anr. Vs. Mst. Katiji and Ors. decided on 19.02.1987.

5. The counsel for the respondent however submits that there are two streams of actions which were initiated against the present appellant one was the departmental action and another was a criminal proceedings.

6. Counsel for the respondent submits that both these streams are different and have different consequences as far as the service and their results are concerned.

7. The counsel for the respondent submits that the burden of proof in both these streams are different and thus it is a normal phenomena that both may end up resulting into dramatically opposite conclusion.

8. After hearing counsel for the parties, this Court is of the opinion that the precedent law cited by the counsel for the appellant does not apply in this case because acquittal in the criminal proceedings subsequent to departmental proceeding would be of no consequence in the present case because a complete comprehensive departmental proceedings were conducted and the termination order dated 26.04.2000 was upheld by the Appellate Authority on 11.04.2001, subsequently by the Hon'ble Single Bench of this Court on 13.12.2011 in SB Civil Writ Petition No. 2446/2001 and finally thereafter further upheld by the Hon'ble Division Bench of this Court in DB SAW No. 298/2012 on 03.05.2012. The termination order has acquired finality, any kind of subsequent result of criminal proceedings would not impact the present termination order and cannot be counted as a subsequent event.

9. In light of the aforesaid observations, the impugned order dated 10.01.2024 does not deserve any interference.

10. Accordingly, the appeal is dismissed.

(YOGENDRA KUMAR PUROHIT),J **(DR.PUSHPENDRA SINGH BHATI),J**

60-Jatin/-