IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No.689 of 2025

1. President, Cantonment Board, Post Ramgarh Cantt, Police Station Ramgarh, District Ramgarh
2. General Officer Commanding-in-Chief, Central Command, Lucknow Post Lucknow, Police Station Lucknow, District Lucknow, State Uttar Pradesh
3. Officer Commanding-in-Chief, Cantonment Board, Post Ramgarh Cantt, Police Station Ramgarh, District Ramgarh
4. Cantonment Executive Officer, Cantonment Board, Post Ramgarh, Police State Ramgarh, District Ramgarh

... Respondents/Appellants

Versus

Santvana Sharan, wife of Dr. Sudhir Arya, resident of Patratu Basti, Ramgarh Cantt, Post Ramgarh Cantt, Police Station Ramgarh, District Ramgarh ... Writ petitioner/Respondent

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CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellants: Mr Vikash Kumar, Advocate
For the Respondent: Mr Sanket Kumar, Advocate

02/Dated: 25.11.2026

***Per* M. S. Sonak, C.J.**

1. Heard Mr Vikash Kumar, learned counsel for the appellants/applicants and Mr Sanket Kumar, learned counsel for the respondent (original petitioner).

I.A. No.13788 of 2025

2. This I.A. seeks condonation of delay of 36 days in instituting the accompanying appeal. We have perused the averments in the I.A. we are satisfied that sufficient cause has been shown. Therefore, we condone the delay and disposed of I.A. No.13788 of 2025.

L.P.A. No.689 of 2025

3. Heard Mr Vikash Kumar, learned counsel for the appellants/applicants and Mr Sanket Kumar, learned counsel for the respondent (original petitioner).

4. By a separate order we have condoned the delay in filing this appeal and now, we take up the appeal for consideration. This appeal is directed against learned Single Judge's order dated 20th December, 2024 by which the respondents' W.P(S) No. 549 of 2022 was allowed, the termination order was set aside but opportunity was granted to the appellants herein to hold a regular departmental proceeding in accordance with the rules.

5. Mr Vikash Kumar, learned counsel for the appellants submits that the termination order should not have been set aside based on technicality. He submitted that the respondent was appointed to a non-practicing post and therefore, was not entitled to indulge into private practice. He submitted that in these circumstances the impugned judgment and order warrants interference.

6. Mr Sanket Kumar, learned counsel for the respondent submits that the respondent has virtually been terminated by presuming her to be guilty of some misconduct on breach of service conditions. He points out that harsh action visits the respondent with serious civil consequences and the same could not have been taken without holding a regular departmental enquiry and giving the respondent full opportunity to defend herself by denying the charges levelled by the appellants. Accordingly, he submits that there is no case made out to interfere with the impugned judgment and order.

7. We have considered the rival contentions and also perused the records.

8. In this case, the impugned termination is clearly founded on a presumed misconduct of the respondent indulging into private practice when her service conditions prohibited her from doing so.

9. Therefore, if any action had to be taken against the respondent, the same, should have been consistent with the principles of natural justice and fair play. Admittedly, in this case, no regular departmental proceedings were held and consequently, the respondent was deprived of an opportunity to deny the charges levelled against her and to establish her innocence.

10. The learned Single Judge was justified in interfering with the impugned termination order. The appellants herein have been granted an opportunity to initiate regular departmental proceedings against the respondent so that, the respondent also has a fair opportunity of denying the charges and establishing her innocence in the matter.

11. There is no jurisdictional error or perversity in the view taken by the learned Single Judge. Accordingly, we see no merit in this appeal and consequently dismiss the same without any order for costs.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

November 25, 2026

N.A.F.R.

Pramanik/Anjali/Cp.2

Uploaded on 26/11/2026