IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 6313 of 2025

Binod Kumar Hembrom, aged about 58 years, son of Hari Manjhi, Resident of Q. No.2B/2, Camp-2, P.O.-Sector-1, P.S. Bokaro Steel City, District Bokaro, Jharkhand. ... ... Petitioner

Versus

1. The State of Jharkhand
2. The Principal Secretary, Department of Law and Justice, Government of Jharkhand, Project Bhawan, Dhurwa, P.O. Dhurwa, P.S. Jagannathpur, District Ranchi, Jharkhand.
3. The Registrar, Civil Court Bokaro, P.O. Bokaro, P.S. Bokaro, District Bokaro, Jharkhand. … … ... Respondents

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

For the Petitioner : Mr. Kanti Kumar Ojha, Advocate
Mr. Pranjal Chaturvedy, Advocate
For the Respondent-State: Mr. Piyush Anand, A.C to S.C.-VI

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03 / Dated: 23.09.2026

1. Heard Mr Kanti Kumar Ojha, who appears for the petitioner, with Mr Pranjal Chaturvedi, and Mr Piyush Anand, A.C. to S.C.-VI, for the State.

2. The petitioner, Peon, in the Court of the Principal District & Sessions Judge, Bokaro, challenges the orders dated 20.08.2025 issued by the Judge-in-Charge (Admn.) of the Civil Court, Bokaro, and the appeal dismissal order dated 20.08.2025 passed by the Standing Appeal Committee of the High Court, under which the petitioner was dismissed from service on the ground of accepting Rs. 4,50,000/- from the complainant, Sonam Kumari, to secure a job for her in the ongoing recruitment in the Civil Court.

3. Mr Ojha submitted that the findings in the enquiry report suffered from perversity because there was no legal evidence for proving the charge against the petitioner. He submitted that the WhatsApp messages relied upon by the Enquiry Officer were one-sided. He submitted that there was no evidence that the petitioner was speaking to the complainant on mobile No. 9431738920, based on which the Enquiry Officer concluded that the petitioner had accepted money from Sonam Kumari on the assurance that she would be given a job in the Civil Court.

4. Mr Ojha submitted that no police complaint was filed in the matter. He submitted that the petitioner had explained the amount received as a friendly loan from Shailesh Yadav. He submitted that there was some land deal and the amount concerned such land deal. On these grounds, Mr Ojha submitted that the Enquiry Officer's findings suffered from perversity and could not be relied upon.

5. Mr Ojha, in the alternative, submitted that the penalty of dismissal was disproportionate and, therefore, warranted interference.

6. We have considered Mr Ojha’s submission. To appreciate the same, we also evaluated the enquiry report and the other materials on record, on which the impugned orders were passed.

7. At the outset, we note that the petitioner has availed himself of the opportunity to appeal his dismissal order to the Standing Appeal Committee, comprising three Hon’ble Judges of this High

Court. The Standing Appeal Committee dismissed the petitioner's appeal on 20.08.2025.

8. The petitioner's case before the Appeal Committee was that he had not taken any amount from Mrs Sonam Kumari (complainant) and that Sonam Kumari filed a complaint "*out of enmity relating to another money transaction between the petitioner and one Shailesh Yadav*". The petitioner also contended that Shailesh Yadav had set up the complainant, Sonam Kumari, who then filed a false complaint against the petitioner.

9. The enquiry report records that the petitioner accepted that he had taken money from Shailesh Yadav but explained that it was only a friendly loan. However, before the Appeal Committee, the petitioner's case is that he was involved in another money transaction with Shailesh Yadav and that the complainant, Sonam Kumari, was set up by the said Shailesh Yadav. The receipt of such alleged "*friendly loan"* or receipts from "*some other money transaction*" were never reported by the petitioner as required under the service rules applicable to the petitioner.

10. The petitioner raised inconsistent defenses but failed to prove either of them. Since the petitioner raised defences regarding the money, which he admitted he received, it was for the petitioner to lead cogent evidence to make good his defences by the standard of pre ponderance of probabilities. The petitioner has miserably failed to explain the receipt of the amount. The argument that the petitioner did not accept receipt of Rs.4,50,000/- and that the

amount received by him was different is neither here nor there. Based upon such arguments, we cannot hold that the findings recorded by the Enquiry Officer were perverse.

11. The petitioner has admitted that Mobile No. 9431738920 belongs to him. The electronic evidence on record not only shows several messages from Sonam Kumari demanding the return of the money, but there is also evidence of several telephonic conversations regarding the payment and return of such money. The person responding to the complainant or her husband on Mobile No. 9431738920, which the petitioner admitted as belonging to him, assured the complainant or her husband of a refund and tried to reassure them that, since limited results have been declared, they should remain hopeful.

12. On the ground that there was no clear evidence that the person speaking on the petitioner's admitted mobile number, the petitioner himself, cannot be exonerated. Admittedly, in this matter, we are neither sitting in appeal over the findings of the Enquiry Officer as affirmed by the Appeal Committee, nor was this any criminal trial in which the petitioner has been convicted of a criminal offence. It is well settled that in such matters, the standard of proof is the preponderance of probabilities, not proof beyond reasonable doubt.

13. Though the petitioner may not have responded to the several messages on his cellphone directly connected with the issue of recruitment and the refund of the amount consequent upon the

complainant not being selected, once it is admitted that the mobile phone bearing No.9431738920 belongs to the petitioner, it is totally unnatural that the petitioner does not react to such several messages by either responding to them or by himself taking some proceedings against the complainant. All this is to be considered along with several telephonic conversations on the same transaction, in which the person who responds from the same mobile number assures a refund of the amount.

14. The material on record includes several call records relating to securing a job. The call records admittedly concern the petitioner's mobile phone. The petitioner has also admitted receipt of money but has tried to vaguely explain that such receipt was from Shailesh Yadav for some different transactions and further this amount was not Rs 4,50,000/- as alleged. The petitioner has not explained what this different transaction was or the nexus, if any, between Shailesh Yadav and the complainant. The petitioner has also not indicated with precision the amount received by him and the reason for such receipt. There is evidence that the recruitment process was going on at the Civil Court at or around the time of such transactions. All these materials are sufficient to sustain the findings recorded in the enquiry report on the touchstone of preponderance of probabilities.

15. The Hon'ble Supreme Court in the case of **Union of India and ors. vs. P. Gunasekaran, reported in (2015) 2 SCC 610**, has observed that the High Court in exercise of its powers under Arts. 226 and 227 cannot venture into reappreciation of evidence or

interfere with conclusions in enquiry proceedings if the same are conducted in accordance with law, or go into reliability/adequacy of evidence, or interfere if there is some legal evidence on which findings are based, or correct error of fact however grave it may be, or go into proportionality of punishment unless it shocks conscience of court.

16. The Hon'ble Court also elucidated that the High Court can only consider whether enquiry held by competent authority was in accordance with procedure established by law and principles of natural justice, whether irrelevant or extraneous considerations and/or exclusion of admissible or material evidence or admission of inadmissible evidence have influenced decision rendering it vulnerable and thereafter held, it can interfere where finding is wholly arbitrary and capricious based on no evidence which no reasonable man could ever arrive at.

17. Further, the Hon'ble Supreme Court in several of its decision, including **P. Gunasekaran (Supra)** has observed that it is not open to the High Court to go into the proportionality of punishment or substitute the same with a lesser or different punishment. {**See : B.C. Chaturvedi v. Union of India [(1995) 6 SCC 749 : 1996 SCC (L&S) 80 : (1996) 32 ATC 44], Coal India Ltd. v. Mukul Kumar Choudhuri, (2009) 15 SCC 620 and Chennai Metropolitan Water Supply [Chennai Metropolitan Water Supply and Sewerage Board v. T.T. Murali Babu, (2014) 4 SCC 108}.**

18. The Appeal Committee has also considered the matter and confirmed the findings recorded in the enquiry report. Thus, there are concurrent findings on record. Such findings are normally not interfered with while exercising the powers of judicial review, unless perversity is made out. Perversity implies lack of evidence and not merely insufficient evidence. Perversity also implies a situation where the evidence on record points to a particular direction, but the conclusion is diametrically opposite. Perversity could also result where any material evidence is ignored or the decision is based on irrelevant materials. The petitioner has not made out such a case of such a degree.

19. Though we are not expected to re-appreciate or re-evaluate the evidence led during the departmental proceedings, considering that the petitioner has been dismissed from service, we undertook such an exercise. Still, we are not satisfied that the findings based on the evidence recorded suffered from any perversity. Therefore, based upon the contention advanced before us or for that matter before the Standing Appeal Committee, we cannot conclude that the concurrent findings are vitiated on account of any perversity calling for judicial review.

20. As regards disproportionate punishment, again, we do not agree that the penalty imposed suffers from any disproportionality as would shock the conscience of the Court. In such matters, we cannot ignore the fact that the money was accepted for securing a job in the Court recruitment process. The petitioner tried to vitiate the whole process. Further, the petitioner raised some defense about

having a huge ancestral property and that a person named Shailesh Yadav attempted to trap him through the complainant. This defense, he never bothered to make good under the acceptable standard of proof applicable to disciplinary proceedings. Considering all these factors, we are satisfied that the penalty imposed upon the petitioner warrants no interference by applying the doctrine of proportionality.

21. For all the above reasons, we dismiss this petition without any order as to costs.

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

(Manoj Prasad, J.)

September 23, 2026
BS/Madhav/-
Uploaded on: 29/ 09 /2026
AFR