



2026:DHC:994-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Judgment reserved on: 29.01.2026**Judgment pronounced on: 07.02.2026**Judgment uploaded on: 07.02.2026*

+ W.P. (C) 15486/2024

AMAN PRATAP SINGH

...Petitioner

Through: Mr. Arvind Sangwan, Sr. Adv.
along with Mr. Vishal Boora,
Mr. Gaurav Deshraj, Ms. Kajal
singhal and Mr. Deepesh
Paderiya, Advs.

versus

GOVT. OF NCT OF DELHI & ANR.

...Respondents

Through: Dhruv Rohatgi, PC along with
Ms. Chandrika Sachdev and
Mr. Dhruv Kumar, Advs. for
R1/GNCTD.
Mr. Raj Shekhar Rao, Sr. Adv.
along with Mr. Rajat Aneja,
Ms. Chandrika Gupta and Ms.
Akshna Chawla, Advs. for
R2/Delhi High Court.

CORAM:**HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE AMIT MAHAJAN****J U D G M E N T****ANIL KSHETARPAL, J.**

1. The present petition has been filed under Article 226/227 of the Constitution of India, 1950 [hereinafter referred to as 'Constitution'] assailing Notification bearing dated 10.10.2024 issued by the Respondent No.1 [hereinafter referred to as 'Impugned Notification']

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as also the consequential order dated 14.10.2024 [hereinafter referred to as 'Impugned Order'] passed by the Respondent No.2 [hereinafter referred collectively as 'Impugned Actions'], through which the services of the Petitioner during probation period have been dispensed with.

BRIEF BACKGROUND:

2. In order to examine the merits of the case, the relevant facts are required to be noticed.

3. The Petitioner, having successfully traversed the rigours of selection was appointed to the Delhi Higher Judicial Service (DHJS) by way of Notification dated 28.04.2023, issued by the Respondent No.1, placing him on probation for a period of 02 years. Pursuant thereto, the Petitioner joined DHJS on 29.04.2023, and after undergoing the prescribed training, was posted as Additional District Judge-01, South-West District, Dwarka, Delhi, by way of the Posting/Transfer Orders dated 29.08.2023, whereupon he formally assumed charge of his Court on 01.09.2023.

4. It is claimed by the Petitioner that, on 06.09.2024, while he was holding Court, one litigant, in defiance of decorum commenced making and recording a video of the ongoing proceedings without permission, allegedly causing disruption in the Court. Upon noticing the said misconduct, the Petitioner expressed his discomfort and raised his voice when the litigant did not desist. This exchange, as stated, was captured on the video conferencing system, and the recording thereafter was selectively circulated across social media platforms,



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exposing the Petitioner to public glare and a trial by media.

5. It is claimed by the Petitioner that, this solitary episode, became the fulcrum of the actions that followed. According to him, the Hon'ble Chief Justice of this Court, on 12.09.2024, took suo moto cognizance of the said video. Following which, an enquiry team was also deputed; an extensive search operation ensued, which, as pleaded, included a thorough search of the courtroom premises and examination of the staff attached to the court of the Petitioner.

6. In the wake of this enquiry, a Full Court meeting was convened on 13.09.2024. As per the Petitioner, in the said meeting, a decision was taken to dispense with his services. Consequent thereto, by a communication dated 19.09.2024, this Court directed the Principal District & Sessions Judge, South-West, Dwarka, New Delhi to immediately withdraw judicial work from the Petitioner, effectively divesting him of his judicial functions. The entire process culminated in issuance of the Impugned Actions, formally communicating the cessation of his engagement with the DHJS.

7. The Respondent No.2, however, traces a different axis for the culmination of events leading to cessation of the Petitioner's engagement. It is their case that the Annual Confidential Report (ACR) of the Petitioner for the year 2023 had been recorded by the Inspecting Judges' Committee as early as on 29.08.2024. Subsequently, the said ACR is claimed to be placed before and approved by the Full Court in its meeting held on 13.09.2024, the very meeting that, as per the Petitioner, also considered the fallout of the



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viral video of the Petitioner.

8. In the interregnum, the Petitioner submitted a Mercy Petition dated 08.10.2024 through the Principal District & Sessions Judge, South-West, Dwarka, Delhi, *inter alia* requesting that the communication dated 19.09.2024, whereby his judicial work had been withdrawn, be reconsidered and set aside. However, by the time the Mercy Petition was submitted, the Impugned Notification having been issued, the said Mercy Petition, as stated, was not acceded to, and remained unanswered in substance.

9. Pursuant to the Full Court meeting held on 13.09.2024, this Court by its communication dated 19.09.2024, directed the Principal District & Sessions Judge, South-West, Dwarka, New Delhi, to immediately withdraw judicial work from the Petitioner.

10. Aggrieved by the dispensing with of services of the Petitioner and the preceding actions culminating in the issuance of Impugned Notification and the Impugned Order, he has approached this Court by way of the present proceedings.

11. We have heard learned senior counsels for the parties and with their able assistance have perused the paperbook as well as the compilation of judgments filed.

12. Before advertng to the arguments raised by the parties, this Court deems it appropriate to reproduce the relevant paragraphs of the present petition, along with the relevant rule of Delhi Higher Judicial Service Rules, 1970 [hereinafter referred to as 'Rules of 1970'], which



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forms the basis of their arguments-

Petition

“5. That during the Court hours on 06.09.2024, the Petitioner was in the middle of a hearing in the case titled as “Eminent Officers Welfare Society (Regd.) Vs. Mukesh Kumar Singh” bearing case no. “C.S. 700/2024” during which, one litigant, unexpectedly started making/recording video of the ongoing Court proceedings in the Court room and since, it is illegal to record or transcribe Court proceedings by any person other than the one authorized by the Court, the Petitioner asked the said litigant to stop the illegal act and seized his mobile phone. Further on being enquired about the reason of such illegal act from the said litigant, the litigant started shouting at the Petitioner and addressed the court arrogantly. That the said litigant spoiled the decorum of the Court to which the Petitioner stood up from his chair and spoke in a slightly higher pitch than usual and asked the name of the said litigant from the court staff. That even after repeatedly asking his name, the litigant was not ready to answer the same, in fact, on the contrary the said litigant created nuisance inside the Courtroom and other litigants as well as the Court staff witnessed the said incident. That due to the transgression of the said litigant, petitioner stood up from his chair and called the police to arrest the said litigant as per law. That due to the above circumstances, the Petitioner, in order to control the situation and to bring the house in order was forced to slightly raise his voice than the normal/usual tone. It is relevant to mention herein that the Petitioner belongs to Bhiwani, Haryana and due to the native accent, the voice of the Petitioner appeared to be harsh/blunt.

6. That the said litigant, who created ruckus in the courtroom, apologized to the petitioner and thereafter the litigant was set free and his mobile phone was also returned to him. The Petitioner then immediately sent the case, in whose hearing the whole incident took place, to the Ld. District and Sessions Judge, South-West District, Dwarka Courts, Delhi to get the same transferred to some other court.

7. That the whole incident mentioned above was selectively recorded by some unknown person from the videoconferencing. It is worthwhile to mention herein that the said recording was done in violation of the Delhi High Court Rules for Video Conferencing for Courts 2021 which prohibits unauthorized recording of court proceedings. That Rule 3(vi) of Delhi High Court Rules for Video Conferencing for Courts 2021 clearly states that:

“3 (vi) There shall be no unauthorised recording of the proceedings by any person or entity.”

8. That some unknown person made the above mentioned video captioned as “Drunk Judge/Disturbing visuals from the Court of

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*Aman Pratap Singh” went viral on various social media platforms and portrayed as if the Petitioner was under the influence of alcohol during the Court proceedings. It is pertinent to mention herein that the video which went viral online is of 1 Minute and 15 Seconds and it can be seen clearly that the said part of the video was recorded selectively by not recording previous and subsequent event(s) that occurred in the courtroom. That it is further pertinent to mention herein that the said video was recorded and made viral thereafter with a sole ulterior motive to tarnish the image and reputation of the Petitioner. It can be clearly seen from the said video that the Petitioner has not used any abusive language and in fact the Petitioner was only saying to take the said litigant in custody repeatedly. It is worthwhile to mention that from the said video, one cannot say that the Petitioner was under the influence of Alcohol. Link of Video dated 06.09.2024 dated 06.09.2024 is annexed herewith as **ANNEXURE P-1 (Pg. 38)** Translated with true copy of Transcript of Video dated 06.09.2024 is annexed herewith as **ANNEXURE-P-2. (Pg. 39)***

9. *That on 06.09.2024, total 32 matters were in the cause list and the unfortunate incident took place during hearing of item no.11. That the petitioner completed entire cause list of the day, however the video was made of the selective incident. True with typed copy of Cause list dated 06.09.2024 is annexed herewith as **ANNEXURE P-3. (Pg. 40-44)***

10. *That on 12.09.2024, the Hon’ble Chief Justice of High Court of Delhi took suo-moto cognizance of the viral video and sent a team/committee to enquire the truth of the said video. Thereafter, a team consisting of Registrar General (High Court of Delhi), Registrar Vigilance, Registrar and the Ld. District Judge, South-West District, Dwarka Courts, Delhi was constituted. The said team conducted search of the entire courtroom including retiring room, all almirahs and even the washroom. However, the team/committee could not find any incriminating substance/alcohol during the search. That thereafter, the team/committee of the Hon’ble High Court of Delhi took the statements of entire staff working with the Petitioner in the courtroom. That total 8 staff members were examined and from them, the following questions were asked particularly:*

- *What happened on 06.09.2024 in the courtroom?*
- *Whether the presiding officer/petitioner of this court take alcohol during daytime?*

The staff members who were examined are:-

- *Amit (Peon)*
- *N. Geeta (Stenographer)*

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- *Sunder Kumar (Stenographer)*
- *Manoj (Nazir)*
- *Harish (Ahlmad)*
- *Meenakshi (Ahlmad)*
- *Joginder Yadav (Reader)*

It is relevant to mention herein that whole staff narrated the incident as happened on the said date and further stated that the Petitioner has never consumed alcohol. That the abovesaid facts can be verified from the inquiry report made by the Ld. Registrar General, High Court of Delhi. The whole inquiry has been conducted behind the back of the Petitioner and copy of the enquiry report has not been provided to the Petitioner as well.

11. *That in pursuant to the enquiry carried out by the Committee of Registrar General, High Court of Delhi, a full court meeting was held in the presence of all the Hon'ble Judges of the High Court of Delhi on 13.09.2024 wherein many Hon'ble Judges were not in favour of inflicting major penalty i.e., terminating the petitioner from his services for the aforementioned incident. Regrettably, the decision was made to terminate the services of Petitioner from the Delhi Higher Judicial Services (DHJS), and this recommendation was then forwarded to the Hon'ble Lt. Governor of the National Capital Territory of Delhi. It is pertinent to mention herein that the said decision was not made unanimously.*

Delhi Higher Judicial Services Rules, 1970

"14. The services of a person appointed on probation are liable to be terminated without assigning any reason."

CONTENTIONS OF PARTIES:

13. Learned Senior Counsel for the Petitioner, assailing the Impugned Notification and the Impugned Order has made the following submissions:

13.1 At the outset, relying heavily on Paragraph Nos. 5-11 of the Petition, it has been argued by the learned senior counsel that the circulation of the viral video featuring the Petitioner became the determinative and proximate cause for his removal from service. It is



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argued that such removal, though couched as termination of a probationer, is in substance a penal action founded on alleged misconduct and therefore assumes the character of punishment, contrary to the settled legal position governing punitive termination of probationer, which shall be discussed hereinafter.

13.2 In the aforesaid backdrop, it has been argued that the punishment of termination is disproportionate to the gravity of the alleged misconduct, thereby violating Article 14 of the Constitution of India, 1950 [hereinafter referred to as ‘Constitution’] the doctrine of proportionality. In support of this submission, reliance is placed on the judgment of the Supreme Court in *Ranjeet Thakur v Union of India*¹, to contend that the Impugned Actions do not satisfy the test of proportionality in the matter of punishment.

13.3 It is further argued that the Impugned Actions are both punitive and stigmatic in nature and that, prior to taking of any such action, the Petitioner was required to be afforded with a reasonable opportunity of being heard, thereby adhering to the fundamental principle of Natural Justice, i.e., *Audi Alteram Partem*. However, it is argued, the denial of such opportunity, vitiates the action as being in derogation of Articles 14 and 21 of the Constitution.

13.4 In this context, it has also been argued that the ACR dated 29.08.2024, came to be communicated to the Petitioner only on 07.10.2024, thereby depriving him of any meaningful opportunity to represent or respond. While emphasising that even a probationer is not

¹ 1987 (4) SCC 611



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bereft of basic procedural safeguards, learned senior counsel places reliance on *VP Ahuja v State of Punjab & Ors.*², to contend that a probationer cannot be subjected to punitive termination without adherence to principles of natural justice.

13.5 Relying upon *Ratnesh Kumar Choudhary v. Indira Gandhi Institute of Medical Sciences, Patna, Bihar & Ors.*³, it is submitted that this Hon'ble Court must lift the veil and examine the true nature of the employer's action. Though the Impugned Actions are styled as termination simpliciter, the factual matrix reveals that a fact-finding exercise was undertaken in relation to the viral video incident, behind the back of the Petitioner and without notice or participation. Since the termination follows such inquiry into alleged misconduct, the misconduct constitutes the foundation of the action and not a mere motive, rendering the Impugned Actions stigmatic and punitive in nature and unsustainable in law, notwithstanding the probationary status of the Petitioner

13.6 In support of the aforesaid proposition, a reliance has been placed on *Chandra Prakash Shahi v State of U.P. & Ors.*⁴, wherein it was held that where there are specific allegations of misconduct, an inquiry is held to ascertain the truth of such allegations, and an order of termination follows on the basis of that inquiry, such order is punitive in nature. Further reliance has also been placed on *Sarita Choudhary v High Court of Madhya Pradesh & Anr.*⁵

² 2000 (3) SCC 239

³ (2015) 10 SCALE 740

⁴ (2000) 5 SCC 152

⁵ 2025 INSC 289



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13.7 Further, it has been argued that the Petitioner has been removed from service on the ground of alleged misconduct without a regular inquiry and without being afforded a reasonable opportunity to defend himself, which, in effect, amounts to removal from service within the meaning of Article 311(2) of the Constitution, rendering the Impugned Actions unsustainable for non-compliance with the safeguards embodied therein.

13.8 Attention of this Court is also drawn to the communication dated 14.07.2025, issued by the Public Information Officer (PIO), Delhi High Court, wherein, in response to the Petitioner's request for an attested copy of the Inquiry Report allegedly submitted by the team headed by the Registrar General, Shri Kanwaljeet Arora, to the Hon'ble Chief Justice on 12.09.2024, it has been stated that no such information is available. This, it is argued, reinforces the contention that an undisclosed inquiry was conducted and acted upon, without transparency or participation of the Petitioner.

14. *Per contra*, learned senior counsel for the Respondent has made the following submissions:

14.1 At the outset, it is the case of the respondents that the termination of the Petitioner, and the prior steps taken in relation to his service, are not a consequence of the video featuring the Petitioner having gone viral. It is their case that the Petitioner's ACR was recorded by the Inspecting Judges' Committee as far back as on 29.08.2024.

14.2 Further, reliance is placed on the remarks of the Inspecting



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Judges' Committee dated 29.08.2024, wherein, under Serial No.2, in the column relating to impression during inspection (covering, inter alia, how the officer conducts court, his behaviour with advocates and litigants, clarity in understanding and appreciating arguments, and ability to dictate orders in court), it is recorded that the officer needs to improve his behaviour in court, as he has been reported to be extremely rude to advocates at times. Further, under Serial No.5, the Petitioner's judgments and orders have been graded as 'Below Average'. On the strength of the aforesaid, it has been submitted that the Petitioner was found unsuitable for further retention in the DHJS and his services were terminated on that ground.

14.3 Further reliance has been placed on Rule 14 of the Rules of 1970, which permits termination of the services of a probationer without assigning any reason, thereby recognising the discretion of the employer to assess the overall suitability of a probationer for continued employment.

14.4 Reliance is also placed on the Brief Note of complaints received against the Petitioner that was placed before the Full Court. Out of five complaints, two were closed, while three were detailed in nature. It is emphasised that the Petitioner, having been appointed on probation to the DHJS, was at all times subject to assessment of his work and conduct. Upon review of his overall performance, the Hon'ble Full Court, in its meeting held on 13.09.2024, opined that he was not suitable for retention in service.

14.5 It is further submitted that the Petitioner's case is essentially



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founded on Paragraph No.10 of the writ petition, wherein he seeks to suggest that the video clip forms the basis of the impugned action. However, in this regard no formal inquiry has been conducted. It is argued that even assuming that, upon the Hon'ble the Chief Justice being apprised of the incident and the public reaction, some fact-finding interaction was directed, this does not constitute the foundation of the impugned action. The answer to the Petitioner's allegation lies in the video clip itself and the attendant record, which demonstrate that the decision is rooted in the overall service assessment of a probationer rather than in any specific charge of misconduct.

14.6 Controverting the reliance placed by the petitioner on *V.P. Ahuja (Supra)*, the respondents submit that the said decision, in fact, underscores the distinction between an administrative termination based on non-suitability of a probationer and a punitive order founded on established misconduct. It is further contended that an inquiry or fact-finding exercise undertaken to assess the suitability of a probationer, even if it emanates from a particular incident, does not, by itself, render the eventual termination punitive or stigmatic in nature.

14.7 Applying the aforesaid principles to the present case, it is urged that the termination of the Petitioner is in the nature of an administrative decision reflecting a broader evaluation of his professional suitability for continuance in the DHJS. It is not predicated on any finding of misconduct or disciplinary infraction, but on an assessment of his unsuitability to continue as an Additional



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District Judge.

ANALYSIS & REASONING:

15. Having noticed the rival submissions made by the parties, the issue which arises for consideration of this Court is whether the Impugned Actions terminating the services of the Petitioner, a probationer under the Rules of 1970, are in truth punitive and stigmatic, as contended by the Petitioner, or whether they are orders of termination simpliciter founded on an assessment of overall suitability during probation, as urged by the Respondents.

16. The Petitioner while setting out its case, has sought the Court to embark on the journey of an enquiry into the alleged 'real' motive behind the termination, by placing the viral video incident at the heart of the matter. The Respondents, on the other hand, emphasise the pre-existing service record, in particular the ACR dated 29.08.2024 and the complaints considered by the Full Court along with the specific statutory framework of Rule 14 of the Rules of 1970, to contend that the decision is in the nature of an administrative discharge of a probationer on grounds of non-suitability and as such the Impugned Actions merely qualify as a simpliciter order of termination.

17. The legal position governing termination of probationers is well-settled. A long line of decisions of the Supreme Court in *Parshottam Lal Dhingra v Union of India*⁶, and seven judge bench decision in *Samsher Singh v State of Punjab*⁷, has repeatedly

⁶ AIR 1958 SC 36

⁷ AIR 1974 SC 2192



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underscored that while a permanent government servant has a right to hold the post and cannot be removed or dismissed without adherence to Article 311(2) of the Constitution, a probationer or temporary employee has no such right and may be discharged from service on the ground of general unsuitability, provided that the order is not founded upon a finding of misconduct.

18. The distinction between an order of termination simpliciter and a punitive or stigmatic order has been consistently drawn with reference to three broad tests: (i) the *form* of the order, i.e. whether the language used is stigmatic; (ii) the distinction between *motive* and *foundation*, i.e., whether complaints or inquiries merely prompt the employer to reassess suitability, or culminate in definitive findings of misconduct which form the basis of the action; and (iii) whether there was a full-scale formal inquiry into allegations of misconduct resulting in findings of guilt, in which event the order, irrespective of its form, is treated as punitive.

19. In ***Pavanendra Narayan Verma v. Sanjay Gandhi P.G.I. of Medical Sciences***⁸, the Supreme Court explained that an order of termination of a Probationer will be held punitive only if it satisfies a threefold test, namely, (a) if there was a full-scale formal inquiry; (b) into allegations involving moral turpitude or misconduct; and (c) if such inquiry culminated in a finding of guilt. While laying down the aforesaid test, it was observed by the Supreme Court that in the absence of either of these three elements, the order of termination is to be treated as simpliciter, even if preceded by some form of assessment

⁸ (2002) 1 SCC 520



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or preliminary inquiry.

20. Similarly, in ***Chandra Prakash Shahi (Supra)***, the Court held that where there are specific allegations of misconduct and an inquiry is held to ascertain their truth, and termination follows on the basis of findings in that inquiry, the order is treated as punitive; however, where the inquiry is directed only to assess suitability of a probationer, without recording findings of misconduct, the termination remains non-punitive.

21. The distinction between *motive* and *foundation* has been clarified in ***Radhey Shyam Gupta v. U.P. State Agro Industries Corporation Ltd.***⁹, wherein the Supreme Court observed that even where a charge-sheet has been issued and an inquiry officer has been appointed, if the inquiry is not taken to its logical conclusion and no findings of guilt are returned, the employer may still validly exercise its contractual or statutory right to terminate the services of a probationer by a simpliciter order. In such circumstances, the prior allegations and the inquiry remain only the motive and not the foundation, of the order, thereby failing to attract Article 311(2) of the Constitution.

22. A similar approach has also been adopted in ***State Bank of India & Ors. v. Palak Modi & Anr.***¹⁰, where the Court while relying upon ***Chandra Prakash Shahi (Supra)***, ***Union of India v Mahaveer C Singhvi***¹¹, ***Dipti Prakash Banerjee v Satyendra Nath Bose National***

⁹ (1999) 2 SCC 21

¹⁰ (2013) 3 SCC 607

¹¹ (2010) 8SCC 220



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*Centre for Basic Sciences*¹² and similarly place judgments, reiterated that an employer may, for the purpose of assessing suitability, undertake a fact-finding exercise, and the mere existence of such exercise will not, by itself, convert a simpliciter termination into a punitive one, unless the findings of misconduct form the basis of the order.

23. In the specific context of judicial officers on probation, the Supreme Court in *H.F. Sangati v. Registrar General, High Court of Karnataka*¹³, upheld the discharge of two probationary Munsifs on the basis of their confidential records and overall assessment of performance. The order of termination merely stated that they were ‘unsuitable to hold the post of Munsifs’. Whereas the relevant Rules empowered the High Court to discharge a probationer on account of unsuitability. Against the said factual matrix, it was held that such an order, based on the service record and unaccompanied by any findings of misconduct, was one of termination simpliciter and did not attract Article 311(2) of the Constitution.

24. Turning now to the facts of the present case, this Court is of the opinion that certain salient features merit emphasis at the threshold. Notably, the Petitioner was appointed to the DHJS as a probationer for a period of two years under Notification dated 28.04.2023, and was, therefore, squarely governed by Rule 14 of the Rules of 1970, which authorises termination of the services of a probationer without assigning any reason. The said Rules vests in the employer, namely,

¹² (1999) 3 SCC 60

¹³ (2001) 3 SCC 117



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the High Court in the present case, the discretion to assess, during the period of probation, the probationer's overall suitability for continued retention in service.

25. Secondly, it is also of significance that even prior to the viral circulation of the video clip dated 06.09.2024, the Petitioner's ACR for the year 2023 had already been recorded by the Inspecting Judges' Committee on 29.08.2024. In the column relating to "impression during inspection" covering parameters such as conduct of court proceedings, behaviour with advocates and litigants, clarity in appreciating arguments, and ability to dictate orders, it was specifically noted that the Petitioner needed to improve his behaviour in Court and had been reported to be 'extremely rude' to advocates on certain occasions, Further, under Serial No.5, his judgments and orders were graded as 'Below Average'. These remarks under the ACR, bear importance upon the core attributes of judicial temperament and quality of adjudicatory work, both of which are central to an assessment of suitability for continuation in the DHJS.

26. Thirdly, a Brief Note concerning five complaints received against the Petitioner, of which two had been closed and three were detailed in nature, was placed before the Full Court. At this stage, it becomes pertinent to highlight that the Petitioner, as a probationer, was at all material times, subject to continuous evaluation of both his work and conduct. The Full Court, in its meeting held on 13.09.2024, upon a holistic consideration of the service record and overall performance of the Petitioner, formed the opinion that he was not suitable for retention in service. It is in the wake of this collective



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institutional assessment that the judicial work was withdrawn from the Petitioner on 19.09.2024, followed by the Impugned Actions.

27. The Petitioner has sought to place the episode of 06.09.2024 at the very centre of the controversy, contending that a litigant recorded and circulated a video of the court proceedings, and the subsequent steps taken on 12.09.2024 by Hon'ble the Chief Justice in deputing a team to obtain a situational understanding, constituted the real basis of his termination. However, the material on record does not support this narrative, it is undisputed that no formal charge-sheet was ever issued to the Petitioner in relation to the said incident; no regular departmental inquiry, involving the recording of evidence or culminating in findings of proved misconduct, was conducted; and the impugned termination order does not refer to any such inquiry report or findings of guilt. At the highest, the exercise initiated on 12.09.2024 can be characterised as a fact-finding or situational assessment, which may have provided contextual background to the Full Court, but which never crystallised into the kind of formal inquiry into misconduct contemplated in *Pavanendra Narayan Verma (Supra)* and *Chandra Prakash Shahi (Supra)*, so as to transform a discharge during probation into a punitive removal.

28. On these facts, the case at hand aligns more closely with the category of cases considered in *Radhey Shyam Gupta (Supra)* and *Palak Modi (Supra)*. In the said decisions, the Supreme Court recognised that the preliminary inquiries, exploratory exercises or background verifications may legitimately be undertaken to assist the employer in forming an opinion on suitability; yet, where the ultimate



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decision to terminate is ultimately rested on a general and overall assessment of the employee's performance and conduct, and not upon definitive findings of misconduct, the order retains its character as termination simpliciter.

29. In *Radhey Shyam Gupta (Supra)*, as noticed earlier, the Supreme Court held that where an inquiry is abandoned before conclusions are reached, and the employer falls back upon its contractual right or statutory right to terminate a probationer simpliciter, the mere existence of an incomplete or exploratory inquiry does not, by itself, render the termination punitive. Similarly, in *Palak Modi (Supra)*, the Court emphasised that the decisive test lies in whether the order is founded upon misconduct established in an inquiry, or whether the alleged misconduct merely colours the employer's decision to form an overall opinion on suitability.

30. Examined through this settled judicial lens, this Court finds no material to conclude that the Petitioner's termination was founded upon established misconduct. The termination order does not contain any stigmatic language or refer to any finding of guilt; it is explicitly casted as a termination during probation. The contemporaneous record reveals that the ACR with adverse remarks on work and behaviour, along with complaints placed before the Full Court, formed the substratum of its institutional opinion regarding the non-suitability. In the considered view of this Court, the limited fact-finding said to have followed the viral video incident, lacked the essential attributes of a formal inquiry and not culminated in recorded conclusions, and, therefore, cannot be elevated to the status of the foundation of the



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action so as to attract the safeguards of Article 311(2) of the Constitution.

31. The Petitioner's reliance on *V.P. Ahuja (Supra)* and *Ratnesh Kumar Choudhary (Supra)* is equally misplaced. In *V.P. Ahuja (Supra)*, the termination order itself recited that the probationer had 'failed in the performance of his duties administratively and technically', which the Supreme Court held to be stigmatic on its face, thereby necessitating compliance with natural justice before imposing what was, in substance, a penalty. Whereas, in *Ratnesh Kumar Choudhary (Supra)*, the termination was based squarely upon an ex parte vigilance report containing detailed and conclusive findings of misconduct. Accordingly, the Court, lifting the veil, found that the order, though clothed as termination simpliciter, was punitive, thereby attracting Article 311(2) of the Constitution. Therefore, both these decisions, stand on materially distinct factual foundations, namely, the presence of either a stigmatic order or a conclusive finding of misconduct forming the basis of the action, either of which is conspicuously absent in the present case.

32. Likewise, the Petitioner's reliance on *Sarita Choudhary (Supra)* is distinguishable on account of distinct factual matrix. In this case, the Court examined the termination of two judicial officers, with reference to detailed ACRs, Assessment Charts and complaints against them. By and large, upon a holistic evaluation of the officers' service records over the years, the Court found that the complaints did not impinge upon their capability or suitability for judicial office. On the contrary, the record placed before the Court, reflected undoubted



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integrity, sound interpersonal conduct and high rates of disposal. Further, with respect to the observation made in the Assessment Chart, it was observed that, it selectively recorded adverse aspects while omitting the civil points earned by the respective judicial officer. Whereas in respect of the second judicial officer, it was observed that the adverse ACRs were either belatedly communicated or not reconsidered despite explanations, and contained internal contradictions, failing to show the consistent poor performance, contrary to the assertion made by the High Court.

33. However, in the present case, there exists no Assessment Chart or any equivalent document recording findings of guilt. The material placed before the Full Court consisted only adverse but non-stigmatic gradings and remarks in the ACR, along with complaints relevant to an assessment of overall suitability. It is also not the case that there were multiple ACRs reflecting either a progressive decline or improvement in the Petitioner's performance; rather, the ACR only exists for the year 2023, in which he was found to be unsuitable. Moreover, the decision of the Full Court, taken in exercise of its powers under Rule 14 of the Rules of 1970, reflects an institutional assessment of unfitness for continuation in service, and not the imposition of a punitive measure founded on allegations of misconduct.

34. In the opinion of this Court, once the Impugned Action is correctly characterised as an administrative decision of termination simpliciter of a probationer on grounds of non-suitability, founded upon the Petitioner's ACR and overall service record, the derivative



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arguments based on violation of the principles of natural justice and Article 311(2) of the Constitution, and the invocation of the doctrine of proportionality, necessarily fade. The doctrine of proportionality, as enunciated in *Ranjeet Thakur* (*Supra*), primarily operates in the domain of penalties imposed upon civil servants who possess a right to hold the post. It has limited application to decisions concerning the continuation of probationers, once it is accepted that the decision is not punitive but reflects an assessment of fitness for retention.

35. Resultantly, we are unable to accept the Petitioner's contention that the Impugned Notification and the Impugned Order are vitiated as being punitive, stigmatic or founded on a clandestine inquiry into the viral video incident. On the facts as they emerge from the record, the termination of the Petitioner's services constitutes a legitimate exercise of the High Court's power under Rule 14 of the Rules of 1970, grounded in an adverse ACR, complaints bearing upon suitability, and a considered Full Court assessment of the non-suitability of a probationary judicial officer. Tested against the settled principles as enumerated in the judgments rendered by the Supreme Court, the Impugned Actions clearly fall on the side of termination simpliciter of a probationer for unsuitability, and not punitive removal for misconduct.

CONCLUSION:

36. In view of the foregoing discussions, this Court is satisfied that the Impugned Notification and the Impugned Order represent a lawful exercise of the Rules of 1970, to discontinue the services of a



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probationer found unsuitable for retention. The decision is founded upon an overall assessment of the Petitioner's performance, conduct, and service record, including the adverse ACR and complaints placed before the Full Court, and does not rest upon any established or adjudicated misconduct.

37. The termination, being simpliciter in nature, is neither punitive nor stigmatic, and does not attract the safeguards of Article 311(2) of the Constitution or the principles of natural justice applicable to disciplinary proceedings.

38. Consequently, the challenge laid to the Impugned Actions is devoid of merit.

39. Accordingly, the writ petition is dismissed, with no order as to costs.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 07, 2026

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