2026:AHC:227468

HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 71889 of 2010

Smt. Seema Sharma

.....Petitioner(s)

Versus

High Court Of Judicature At Alld Thru R. G. And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pradeep Kumar Sharma, S. Niranjan, Smt. Archana Singh, Sri Dharampal Singh, Pradeep Kumar Shar
Counsel for Respondent(s)	:	Ashish Mishra, C. S. C., Rajeev Gupta, Smt. Archana Singh, Subodh Rai, Yashwant Verma

Court No. - 34
(Sl. No. 22)

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri Santosh Kumar Srivastava, Advocate, holding brief of Sri Pradeep Kumar Sharma, learned counsel for the petitioner, Ms. Pooja Agrawal, learned counsel for the Respondent Nos. 1 to 4 and Sri Anand Mani Tripathi, learned counsel for the Respondent No. 5.

2. The instant writ petition has been filed with the following prayer:-

> *"i) issue a writ, order or direction in the nature of certiorari quashing the impugned dismissal order dated 04.10.2010 (Annexure-23) passed by the Hon'ble Administrative Judge/Appellate Authority; communication dated 06.10.2010 (Annexure-24) sent by the Learned District Judge, Muzaffar Nagar and the punishment order dated 17.9.2009 (Annexure-18) passed by the Learned District Judge, Muzaffar Nagar."*

3. Briefly stated facts of the case are that the petitioner, herein, was initially appointed on 13.9.1978 as paid apprentice in judgeship of Muzaffar Nagar. Her services were regularised on the post of Junior Clerk w.e.f. 19.11.1983. On 19.7.1985, she was promoted as Assistant Record Keeper and was directed to join at record room Kairana District Muzaffar Nagar. Thereafter petitioner continued to perform her duties of Assistant Record Keeper. The time period which is relevant for the purposes of the instant case between 17.11.1998 till

2.3.2001 where the petitioner was posted as Assistant Record Keeper in the record room at Civil Court, Muzaffar Nagar. During the said period, the petitioner was on leave between 21.5.2000 till 30.6.2000 and from 10.10.2000 till 17.10.2000. The controversy involved in the instant case is that while the petitioner was posted as Assistant Record Keeper and the inchrge of the record of the Sessions Trial No. 98 of 1977 (State Vs. Yamin and others) in which one Juber son of Tufail was an accused. He was convicted under Sections 148, 323/149 and 302/149 IPC and sentenced to undergo life imprisonment vide judgment and order dated 21.11.1978. In the year 2000, Government has floated an scheme that the prisoners, who are undergoing life imprisonment and has completed more than three years imprisonment and are above 60 years of age, shall be released from the jail. In view of the aforesaid scheme, for the purpose of the said scheme, the age was to be determined on the basis of the age mentioned in the statement of the accused in his statement under Section 313 Cr.P.C. In view of the aforesaid scheme, the said Juber has applied for the copies of the statement under Section 313 Cr.P.C. repeatedly on 6.7.2000, 28.7.2000 and there upon on 13.9.2000, a questionnaire was made with regard to the age of the accused Juber. In the main record of the case, the age of the Juber at the time of recording the statement under Section 313 Cr.P.C., was 19 years whereas in the answer to the questionnaire by the petitioner on 13.9.2000, the age of the accused Juber was mentioned as 38 years. Latter, it was found that there was manipulations made with regard to the age of the said Juber in the statement under Section 313 Cr.P.C. On the basis of the aforesaid allegations, the charge-sheet was issued against the petitioner that it is the petitioner, herein, who has interpolated the date of birth by issuing answer to the questionnaire, wherein wrong age has been mentioned of the said accused Juber and charges were framed against the petitioner on 18.2.2005, which was approved by the District Judge, Muzaffar Nagar and the copy of the said charge-sheet was issued to the petitioner and pursuant thereto, she appeared before the inquiry officer. In response there to, she has submitted her reply to the charge-sheet, however she also demanded certified copies of the original charge-sheet and the other documents

annexed therewith. She also claimed an opportunity of personal hearing in the matter. In support of the charges levelled against the petitioner, C.W.1 namely Sri Ahibaran Singh, C.W. 2 Sri Prem Chandra Sharma, C.W. 3 Sri Jai Pal Singh, C.W. 4 Sri Chandra Mohan, C.W. 5 Sri Vinod Kumar, C.W. 6 Smt. Chanchal Bala Kulshreshtha, C.W. 7 Sri Jagmohan Lal, C.W. 8 Sri Ashok Kumar Bhatnagar and C.W. 9 Sri Kaishar Raza were examined during the inquiry proceedings. The petitioner was permitted to cross-examine all those witnesses examined during the inquiry proceedings and some of the witnesses were cross-examined by the petitioner. There upon, the inquiry officer has concluded on the categorical admission of the petitioner that the last answer to the questionnaire on 13.9.2000 was issued to the petitioner where in she has accepted that she has mentioned the age of the said accused Juber as 38 years and on perusal of the aforesaid statement of the accused recorded under Section 313 Cr.P.C. it was found that there was manipulation of cutting on the age of the said accused. Then the inquiry officer has concluded that either the manipulation has been done by the petitioner herself or she has got it done with through some one else with ulterior motive and consequently, the inquiry officer has found the petitioner guilty of the charges of manipulation of the age in 313 statement of accused Juber and for issuing certificate wrongly in favour of the said Juber, mentioning the age of the said accused as 38 years instead of 19 years which is otherwise available on record.

4. Thereafter, on submission of the inquiry report, copy of the inquiry report was sent to the petitioner alongwith a show cause notice dated 3.9.2008 issued by the District Judge. In reply thereto, the petitioner has claimed an opportunity of personal hearing which was also provided to the petitioner on 5.9.2009.

5. After considering the submission of the petitioner in the reply to the show cause notice as well as of personal hearing, the District Judge concerned agreed with the report of the inquiry officer and punished the petitioner with stoppage of one increment for two years under Rule-4(d) of the U.P. Subordinate Court Staff Punishment and Appeal Rules,1976.

6. Being aggrieved by the said order, the petitioner, herein, has filed an appeal before the Administrative Judge of Muzaffar Nagar judgeship. Vide order dated 3.7.2010, looking at the seriousness of the charges levelled against the petitioner, which was approved against the petitioner, the Administrative Judge had directed that let a notice be issued to the petitioner for enhancement of the punishment as the punishment awarded by the District Judge was found to be insufficient, looking at the guilt of the petitioner.Accordingly, vide show cause notice dated 9.7.2010, notice was issued to the petitioner calling upon her to submit her reply as to why the punishment awarded to the petitioner be not enhanced with dismissal of service. Petitioner, herein, submitted a detailed reply on 6.8.2010. Thereupon, considering the reply of the petitioner to the said show cause notice, the then Administrative Judge of District Muzaffar Nagar as vide order dated 4.10.2010, modified the punishment that of the dismissal from service, while dismissing the appeal preferred by the petitioner. Being aggrieved by the same, the instant writ petition has been filed by the petitioner.

7. Learned counsel for the petitioner submits that it is an admitted position that the petitioner, herein, was incharge of the record room of Civil Court, Muzaffar Nagar, at the relevant time. However, it is her contention that during the said period, the petitioner was on leave from 21.5.2000 till 30.6.2000 and then from 10.10.2000 till 17.10.2000 and after the conviction of the petitioner, the record of the said case has been transferred some times to this Court as well as to the Apex Court and also to the different sections such as copying section etc. for issuing the certified copies of the documents time and again. Therefore, there is no definite opinion as at which point of time, the said manipulation with regard to the age of the said accused Juber has taken place in his statement under Section 313 Cr.P.C. During her leave, various other persons were also incharge of the said record room, therefore, in no definite term, it could be said that it was the petitioner alone who has manipulated in the said record regarding the age of the said Juber.

8. Learned counsel for the petitioner further submits that no expert opinion with regard to the hand writing etc. on such manipulations

have been obtained to ascertain that it was the petitioner alone who was responsible for the said manipulation. However, learned counsel for the petitioner is not in a position to dispute that the answer to questionnaire was issued by the petitioner on 13.9.2000 in her hand writing, in which she has mentioned the age of the said Juber as 38 years, on the basis of the statement recorded under Section 313 Cr.P.C. with regard to the age of the said Juber and there is no specific finding that it was the petitioner alone who has done the manipulation in the said record, therefore, learned counsel for the petitioner submits that the impugned orders be quashed and the petitioner be reinstated in service. Since the petitioner has already attained the age of superannuation during the pendency of the instant petition, all consequential benefits be granted to the petitioner.

9. Per contra, Ms. Pooja Agrawal, learned counsel for the Respondent Nos. 1 to 4 submits that from the original record and the orders passed in the said Sessions Trial No. 98 of 1977, the said accused was sent to jail, mentioning his age as 19 years on the basis of the age mentioned in 313 Statement at the time of conviction of the said accused Juber, which is reflected in the judgment and order dated 21.11.1978 and till the scheme for release of the accused person who completed 60 years of age, which was issued on 26.1.2000, there was no occasion either for the accused or for any other person to do any manipulation with regard to the age of the accused Juber and copies of the said statement recorded under Section 313 Cr.P.C. was applied on behalf of the accused on 6.7.2000 and 28.8.2000 and there upon on 13.9.2000, a manipulation was marked wherein the petitioner, herein, has mentioned the age of the said accused Juber as 38 years. Thus, whatever manipulation/ interpolation etc. have been done, were done between 26.1.2000 and 13.9.2000, on which date admittedly, the petitioner was incharge of the said record room and the certified copy of the statement of the said Juber was applied on 6.7.2000 and again on 28.8.2000 and lastly answer to questionnaire was issued by the petitioner on 13.9.2000. From 6.7.2000 to 13.9.2000 the petitioner was incharge of the said record room. Therefore, there was no occasion for any one else except the petitioner to do any manipulation in the said

record and during the said period, the petitioner was also not on leave. In such view of the matter, there is no illegality in the inquiry proceedings conducted against the petitioner, wherein, the petitioner has been found guilty of the charges levelled against her. There upon, the District Judge concerned has passed the punishment order which has been later on modified after due notice to the petitioner by the Administrative Judge. Therefore, there is no procedural illegality in the entire proceedings carried out against the petitioner and the finding of fact recorded by the inquiry officer which has been affirmed by the disciplinary authority as well as by the appellate authority, which cannot be interfered with by this Court by exercising power of judicial review under Article 226 of the Constitution of India.

10. Having heard rival submissions of the learned counsel for the parties, this Court has carefully gone through the records of the case.

11. It is undisputed in the instant case that the petitioner has received the copy of the charge-sheet, however, she insisted for the original copy of the charge-sheet and other documents as well as the certified copies there of. Once the copy of the charge-sheet has already been received by the petitioner and reply has been given by the petitioner, it hardly makes any difference whether the original copy of the charge-sheet has been issued to the petitioner or not.

12. From the perusal of the inquiry report, it is apparent that sufficient opportunity to defend herself was granted to the petitioner and various witnesses, as noted here in above, were also examined, which were also cross-examined by the petitioner. The relevant time which starts for the purposes of the charges levelled against the petitioner is between 6.7.2000 till 13.9.2000. During the said period, the petitioner was undisputedly incharge of the record concerned and she was not on leave between the said period. It is also undisputed that on 13.9.2000, the petitioner has issued the age certificate with regard to the accused Juber, by mentioning his age as 38 years, on the basis of the statement recorded under Section 133 Cr.P.C. by the accused. Thus, it is apparent that during the period 6.7.2000 till 13.9.2000, manipulations were done in the statement recorded under Section 133

Cr.P.C., wherein the age of the accused was manipulated from 19 years to 38 years in order to enable him to claim the benefit of Scheme so that he can claim the age of 60 years for the purpose of release from the jail.

13. In this regard, the facts of the case has already been duly dealt with by the inquiry officer and a finding has been recorded against the petitioner, wherein, the guilt by the petitioner has been found proved. Though, the District Judge has taken very lenient view like awarding the punishment of stoppage of one increment for two years, however, the appellate authority, looking at the seriousness of the charges levelled against the petitioner, which was found to be proved, a notice for enhancement of punishment was issued to the petitioner and there upon punishment has been enhanced by the appellate authority that of the dismissal from service.

14. It is settled position of law that this Court while exercising the power of judicial review under Article 226 of the Constitution of India, cannot interfered with the finding of fact recorded by the inquiry officer, disciplinary authority as well as by the appellate authority and this Court cannot sit in Appeal against the findings recorded by the inquiry officer or the appellate authority. In such view of the matter, once the aforesaid findings of fact are there, whereby the petitioner has been found guilty of manipulation, this Court find that the said act of manipulation in the age in the judicial record, is a serious misconduct and which do not attract any sympathy because such manipulation in the judicial record is direct interference with the administration of justice and no lenient view could be taken for the said misconduct.

14. In such view of the matter, this Court do not find any illegality in the impugned orders. Accordingly, the instant writ petition is **dismissed.**

(Anish Kumar Gupta,J.)

November 2, 2026
n.u.

Digitally signed by :-
NASEEM UDDIN
High Court of Judicature at Allahabad