IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE ACTING CHIEF JUSTICE SRI P. SAM KOSHY
AND
THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA

WRIT PETITION No.10143 of 2019

(CNR No: HBHC010180642019)

DATE: 30.10.2026

Reserved on: 17.08.2026 **Pronouncement on: 30.10.2026**

Uploaded on: 04.11.2026

Between:

P. Satyanarayana Rao

...Petitioner

AND

The High Court of Telangana State and others

...Respondents

ORDER: *(As per the Hon'ble Sri Justice Narsing Rao Nandikonda)*

Heard **Mr.Asad Hussain**, learned counsel appearing for the petitioner and **Ms.V. Uma Devi**, learned Standing Counsel for the High Court appearing for the respondents. Perused the entire material on record.

2. This Writ Petition is filed seeking following relief:

> *"to issue Writ or direction preferably Writ of mandamus declaring the G.O.Ms.No.74 Law (LA and J) HOMECOURTS-A2 Department dt.31.12.2018 issued by the respondent no.2 and the consequential order ROC No.6747/2018B SPL dt.03.01.2019 issued by the respondent No.1 discharging the petitioner from State Judicial Service as illegal, arbitrary and violative of principles of natural justice and violative of Art. 14 and 21 of Constitution of India and consequently set aside the same and further direct the respondent nos.1 and 2 to reinstate the petitioner into service with all attendant benefits and pass"*

3. The brief facts of the case are that the petitioner herein applied for appointment to the post of Civil Judge (Junior Division) pursuant to Notification dated 01.02.2014 and was subsequently appointed to the said post *vide* proceedings ROC No.15/2014-RC, dated 29.09.2016. He was placed on probation for a period of one year with effect from 13.10.2016. Thereafter, he reported to the then A.P. Judicial Academy and underwent the prescribed training. As part of Phase-II, Part-I institutional training for his batch, the petitioner was instructed to visit the High Court from 21.07.2018 to 25.07.2018 for the purpose of observing the proceedings of the High Court.

4. It is further contended that the Director of the Combined A.P. Judicial Academy *suo motu* submitted a report dated 30.07.2018, bringing to the notice of the High Court that, on 23.07.2018, the petitioner had allegedly behaved in an unbecoming manner and caused disturbance to the Court proceedings. Basing on the said *suo motu* report, as well as certain other allegations relating to an incident said to have occurred during practical training at Yenkepally, the petitioner was placed under suspension *vide* proceedings dated 10.08.2018. Thereafter, an Official Memorandum bearing ROC No.2327/2018-Vigilance Cell, dated 20.08.2018, was issued to the petitioner calling upon him to submit his explanation as to why his probation should not be terminated and why he should not be discharged from service. The petitioner sought extension of time for submitting his explanation, which was granted, and thereafter submitted his detailed explanation dated 10.10.2018, placing before the High Court his version of the facts and circumstances relating to the alleged incidents. He also sought

dropping of the further proceedings initiated pursuant to the memorandum dated 20.08.2018.

5. It is further contended that the Administrative Committee of the Hon'ble Judges of the High Court, in its resolution dated 05.11.2018, resolved to discharge the petitioner from service in terms of Rule 11 of the State Judicial Service Rules. Pursuant thereto, the Government issued G.O.Ms.No.74, Law Department, dated 31.12.2018, discharging the petitioner from service with immediate effect, with payment of one month's salary in lieu of notice, on the ground that he was found not suitable for appointment to the post of Civil Judge (Junior Division). The said order was communicated to the petitioner by the Registrar General, High Court for the State of Telangana, *vide* ROC No.6747/2018-B.Spl., dated 03.01.2019.

6. Aggrieved by the aforesaid order of discharge, the petitioner has filed the present writ petition contending, *inter alia*, that the impugned order is vitiated for violation of the principles of natural justice, inasmuch as no regular departmental inquiry was conducted before discharging him

from service. It is contended that the impugned order is not one of discharge simpliciter, but is, in substance and effect, punitive in nature, as the discharge is founded upon allegations of misconduct against the petitioner. The order has the effect of casting a stigma upon him and therefore, could not have been passed without affording him a reasonable opportunity of hearing and conducting an appropriate inquiry into the allegations.

7. It is further contended that the allegations arising out of the criminal complaint lodged against the petitioner are wholly unconnected with the discharge of his judicial functions and relate to matters concerning his personal life and character. Therefore, the principles of natural justice required the respondents to conduct a regular inquiry and afford him a reasonable opportunity to defend himself before taking any adverse action.

8. The petitioner further contended that he had completed the period of two years of probation on 12.10.2018 and therefore, the respondents could not have invoked Rule 11 of the

State Judicial Service Rules, 2007 for discharging him from service. It is also contended that even in the case of a probationer, where the proposed discharge is founded upon allegations of misconduct, a reasonable opportunity of hearing is required to be afforded before exercising the power under Rule 11 of the said Rules.

9. It is further contended that the petitioner had submitted a detailed explanation on 10.10.2018, specifically explaining the circumstances surrounding the alleged incidents, but the same was not duly considered before passing the impugned order. The discharge of a judicial officer from service, without proper consideration of his explanation, is unsustainable.

10. The petitioner also contended that the punishment of discharge from judicial service is grossly disproportionate to the alleged conduct. It is submitted that such an extreme consequence was unwarranted, particularly when the Hon'ble Judge in whose Court the alleged incident dated 23.07.2018 is stated to have occurred did not consider it necessary to initiate any proceedings against the petitioner. It is further contended

that none of the allegations arising out of the criminal complaint relate to the discharge of the petitioner's official duties as a Civil Judge. On the aforesaid grounds, the petitioner contended that the impugned order of discharge is illegal, arbitrary and unsustainable in law and therefore, is liable to be set aside.

11. While denying the other averments made in the writ petition, it is contended by the respondents that the petitioner was appointed as a Civil Judge (Junior Division) and was nominated for the prescribed training programme. During the course of the training, the petitioner was instructed to visit the High Court for the purpose of witnessing the Court proceedings. Accordingly, the petitioner was directed to sit in the Court Hall of the Hon'ble Sri Justice S.V. Bhatt. At the same time, Smt. M. Manasa, another nominated trainee judicial officer, who had been directed to sit in the Court Hall of the Hon'ble Sri Justice A. Rajasheker Reddy and observe the proceedings, entered the Court Hall of the Hon'ble Sri Justice S.V. Bhatt and occupied a seat therein. It is alleged that immediately thereafter, the petitioner shifted his place and sat beside her, and both of them

started conversing loudly, thereby disturbing the Court proceedings and violating the dignity, discipline and decorum expected to be maintained in a Court Hall. Such conduct amounted to improper behavior and was highly objectionable, particularly on the part of judicial officers undergoing training.

12. It is further contended that respondent No.3 submitted a report regarding an incident that allegedly occurred on 01.08.2018 when the petitioner and Smt. M. Manasa were undergoing practical training at Yenkepally Village, Moinabad Mandal. Though the trainee officers had been divided into separate groups comprising officers of the Telangana and Andhra Pradesh cadres, Smt. M. Manasa belonging to the Andhra Pradesh cadre, it was alleged that the petitioner and Smt. Manasa were repeatedly found together and were continuously engaged in conversation. Their conduct became a subject of discussion among the other trainee judicial officers and caused embarrassment to the Assistant Director, Administrative Officer and the resource persons accompanying the trainees. It is stated that, having regard to the aforesaid

conduct, the High Court was constrained to place the petitioner under suspension.

13. It is also contended that the Assistant Commissioner of Police, Chikkadpally Division, informed the High Court that a criminal complaint had been lodged by [redacted] of Hyderabad against the petitioner, pursuant to which Crime No.288 of 2018 was registered at Chikkadpally Police Station. The case was registered for offences punishable under Sections 376(1), 417, 420, 379 and 427 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It was alleged therein that the petitioner had cohabited with the complainant on a promise to marry her and thereafter avoided her.

14. It is further contended that the petitioner was called upon to explain as to why his probation should not be terminated and why he should not be discharged from service in terms of Rule 11 of the State Judicial Service Rules, 2007. Pursuant thereto, the petitioner submitted his explanation dated 10.10.2018. The High Court, after considering the explanation submitted by the

petitioner and taking into consideration his behaviorand conduct during the period of training, arrived at the conclusion that he was unsuitable for the post to which he had been appointed. Accordingly, the Administrative Committee of the Hon'ble Judges of the High Court, in its meeting held on 05.11.2018, resolved to discharge the petitioner from service by paying one month's salary in lieu of notice, in accordance with Rule 11 of the State Judicial Service Rules, 2007.

15. It is further stated that upon consideration of the conduct and behavior of the trainee officers, the Administrative Committee resolved that they were not suitable for the posts to which they had been appointed and accordingly directed their discharge from service upon payment of one month's salary in lieu of notice. Therefore, respondents contended that the impugned order was passed in accordance with the applicable rules and that the Writ Petition is devoid of merit and liable to be dismissed.

16. Respondent No.4, who was then the Principal District and Sessions Judge, Nalgonda District, has filed a counter-affidavit

stating that the grievances and contentions raised by the petitioner are essentially directed against respondent Nos.1 to 3 and that there are no specific allegation requiring a separate response from respondent No.4, except with regard to the issuance and implementation of the relevant proceedings. Accordingly, respondent No.4 also prayed for dismissal of the writ petition.

17. During the course of hearing, the petitioner filed a memo dated 17.08.2026, placing before this Court a judgment of the High Court of Andhra Pradesh at Amaravati in W.P.No.4041 of 2019, relating to Smt. M. Manasa, another judicial officer who was similarly discharged from service pursuant to the same set of proceedings. It was brought to the notice of this Court that in the said writ petition, the order of discharge issued by respondent No.1 therein *vide* G.O.Ms.No.203, dated 28.12.2018 and the consequential order passed by respondent No.2 were set aside, and the respondents therein were directed to reinstate the petitioner into service with back wages up to the date of reinstatement and continuity of service.

18. The petitioner also filed another memo enclosing a copy of the judgment dated 26.02.2024 passed by the learned Special Judge for Trial of Offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad, in Special Sessions Case No.9 of 2020, arising out of Crime No.288 of 2018 registered on the complaint of [redacted]. The petitioner submitted that the said criminal case was registered for the offences punishable under Sections 376(1), 376(2)(n), 354, 420, 379 and 201 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

19. It was further brought to the notice of this Court that by judgment dated 26.02.2024, the learned trial Court, upon appreciation of the evidence on record, found the petitioner/accused not guilty of the offences charged against him and consequently acquitted him under Section 235(1) of the Code of Criminal Procedure.

20. It is also pertinent to note that subsequent to the conclusion of the arguments, this Bench directed the High Court to furnish the entire record pertaining to the Vigilance Department in relation to the appointment of the petitioner and the proceedings initiated against him. Having considered the rival contentions of the parties, the material placed before this Court by the Vigilance Department of the High Court for the State of Telangana, the judgment relied upon by the petitioner in respect of the criminal case, and the judgment of the High Court of Andhra Pradesh relied upon by him in relation to his fellow judicial officer, the following questions arise for consideration:

i. *Whether the subsequent acquittal of the petitioner in the criminal case, during the pendency of the present writ petition, entitles him to seek setting aside of the order of discharge; and*
ii. *Whether the order discharging the petitioner from service is otherwise sustainable in law.*

21. Admittedly, the petitioner was appointed as a Civil Judge (Junior Division) in the year 2016 and was deputed to undergo training at the A.P. Judicial Academy. It is also not in dispute that the petitioner was a probationer at the time of his discharge

from service. The petitioner was discharged from service with immediate effect, with payment of one month's salary in lieu of notice, on the ground that he was not found suitable for the post of Civil Judge (Junior Division). The said order of discharge is under challenge in the present writ petition.

22. Before examining whether the impugned order of discharge is legally sustainable or is liable to be set aside, it would be appropriate to consider the nature of the allegations leveled against the petitioner and the material placed before this Court in support thereof.

23. The first allegation against the petitioner arises out of the report submitted by the Director of the Judicial Academy on 30.07.2018. It was brought to the notice of the High Court that while the petitioner was present in the Court Hall of the Hon'ble Sri Justice S.V. Bhatt for the purpose of observing the Court proceedings, Smt. M. Manasa, another nominated trainee judicial officer, who had been directed to observe the proceedings in the Court Hall of the Hon'ble Sri Justice A. Rajasheker Reddy, entered the Court Hall of the Hon'ble Sri

Justice S.V. Bhatt and occupied a seat therein. It is alleged that the petitioner, who was already present in the said Court Hall, shifted his place and sat beside Smt. M. Manasa, whereafter both of them started conversing with each other, thereby causing disturbance to the court proceedings.

24. The conduct of the petitioner and Smt. M. Manasa in engaging in conversation during the court proceedings amounted to a failure to maintain the requisite discipline, decency and decorum expected to be observed in a Court Hall. It was further alleged that such conduct was improper and objectionable, particularly having regard to the fact that both were trainee judicial officers. Therefore, the respondents treated the said conduct as unbecoming of a judicial officer.

25. The second allegation relates to the practical field training conducted from 31.07.2018 to 02.08.2018. It is stated that the trainee officers were divided into two groups for the purpose of the said training, with the officers belonging to the Telangana State cadre being trained by certain resource persons of the

Survey Training Academy and the officers belonging to the State of Andhra Pradesh being trained by other resource persons.

26. It is alleged that, on 01.08.2018, while the practical field training was being conducted at Yenkepally Village, Moinabad Mandal, the petitioner, who belonged to the Telangana cadre, was expected to remain with the group of Telangana officers, whereas Smt. M. Manasa, who belonged to the Andhra Pradesh cadre, was expected to remain with the group of Andhra Pradesh officers. Contrary to the said arrangement, it was alleged that the petitioner and Smt. M. Manasa were found together, sitting side by side and continuously conversing with each other.

27. It was further alleged that Smt. M. Manasa, instead of preparing the field plan as instructed by the resource persons, went to the group of Telangana officers and sat there. According to the respondents, the conduct of the petitioner and Smt. M. Manasa became a subject of discussion among the other trainee officers and caused embarrassment to the Assistant Director, the Administrative Officer of the Academy and the resource persons accompanying the trainee officers.

28. In addition to the aforesaid allegations, it is stated that the Registrar General and the Registrar (Vigilance) of the High Court received a report from the Assistant Commissioner of Police, Chikkadpally Division, regarding a complaint lodged by [redacted], a resident of Hyderabad, against the petitioner. According to the said report, a criminal case had been registered alleging that the petitioner had cohabited with the complainant on a promise to marry her and had subsequently avoided marrying the complainant.

29. Based upon the aforesaid material, the petitioner was called upon to explain as to why his probation should not be terminated and why he should not be discharged from service under Rule 11 of the Telangana State Judicial Service Rules, 2007, in view of the allegations regarding his alleged improper conduct and behavior while observing the court proceedings and during the practical field training.

30. One of the principal grievances raised by the petitioner is that he was not afforded an adequate opportunity to put forth his case and that no regular departmental inquiry was

conducted before passing the order of discharge. It is, therefore, contended that the proceedings culminating in the impugned order are vitiated by violation of the principles of natural justice and that, in the absence of a full-fledged inquiry into the allegations, the petitioner could not have been discharged from service.

31. However, the record discloses that, initially, the petitioner, along with Smt. M. Manasa, was placed under suspension. Thereafter, based upon the report submitted by the Director of the Judicial Academy, the petitioner was issued a notice calling upon him to explain as to why his probation should not be terminated and why he should not be discharged from service. The petitioner sought extension of time for submitting his explanation and also requested that a copy of the *suo motu* report submitted by the Director of the Judicial Academy be furnished to him. The said request was considered and the petitioner was afforded an opportunity to submit his explanation.

32. It is further evident from the record that the petitioner submitted his detailed explanation and that the same was placed before the Administrative Committee and was duly considered by it of the High Court. Upon consideration of the explanation submitted by the petitioner, the Administrative Committee was not satisfied with the explanation offered and having regard to the material available on record, resolved to discharge the petitioner from service. Therefore, it cannot be said in the facts of the present case that the petitioner was denied an opportunity to submit his explanation before the order of discharge was passed.

33. The further contention of the petitioner that by the time the order of discharge was passed, he had completed the period of training and had otherwise completed the period of probation also requires consideration in the context of the nature of the order passed against him. The question is not merely whether the petitioner had undergone the prescribed training, but whether, on an overall assessment of the material available

before the competent authority, he was found suitable to continue in the post to which he had been appointed.

34. The petitioner has placed reliance upon the judgment of the High Court of Andhra Pradesh rendered in respect of his co-trainee judicial officer, wherein the order of discharge passed against the said officer was set aside. In the said judgment, while referring to the judgments of the Hon'ble Supreme Court, it was observed that the assessment of suitability in that case was based on an isolated act and was not made upon an overall assessment along with the other relevant material. It was also noticed that the evaluation of the officer's performance was not with reference to the judgments rendered by the officer, annual confidential reports or other relevant material which could form the basis for assessing his suitability to hold the post.

35. In the considered opinion of this Court, however, the assessment of suitability of a judicial officer is not necessarily confined to the quality of judgments rendered by such officer or to the material ordinarily forming part of the service record. The conduct and behavior of a judicial officer, particularly during the

period of training and probation, may also constitute relevant material for assessing his suitability to continue in judicial service, provided such assessment is made by the competent authority on the basis of relevant material and in accordance with law.

36. A judicial officer is expected to maintain the dignity, discipline and decorum commensurate with the office held by him. Such standards of conduct are not confined merely to the period during which the officer is actually presiding over the Court or discharging judicial functions on the Bench. The conduct of a judicial officer, including his behavior during training and in other official settings, may legitimately be taken into consideration while assessing his suitability for continuation in judicial service. However, this does not mean that every personal act or allegation against a judicial officer can, by itself, constitute a ground for discharge; the relevance and probative value of the material must necessarily be assessed in the context of the statutory power being exercised.

37. In ***Daya Shankar v. High Court of Allahabad and others through Registrar and others*** reported in (1987) 3 SCC 1, the Hon'ble Supreme Court has held that the Judicial Officer cannot have two standards; one in the Court and another outside the Court. They must have only one standard of rectitude, honesty and integrity. They cannot act even remotely unworthy of the office they occupy.

38. In the present case, the material placed before the Administrative Committee was not confined to a single incident. The allegations related, firstly, to the conduct of the petitioner while he was observing the proceedings of the High Court; secondly, to his conduct during the practical field training, including the allegation that he did not adhere to the instructions issued by the Academy and the prescribed grouping of trainee officers; and thirdly, to the criminal complaint lodged against him, which was also placed before the competent authorities during the relevant period.

39. It is true that no regular departmental inquiry was conducted into the aforesaid allegations. However, the nature of

the impugned order and the circumstances in which it was passed are relevant in determining whether such an inquiry was a condition precedent. The petitioner was a probationer and the order of discharge was passed on the ground that he was found unsuitable for the post. The material on record indicates that the competent authority considered the reports placed before it and also considered the explanation submitted by the petitioner before arriving at its decision.

40. Insofar as the criminal complaint is concerned, the material placed before the Administrative Committee at the relevant time consisted of the report regarding the registration of the crime and the allegations contained therein. The mere registration of a criminal case cannot, by itself, be treated as proof of the allegations made therein. Nevertheless, while assessing the suitability of a probationer, the competent authority was entitled to take note of the material that was available before it, subject to the limitations imposed by law. The subsequent acquittal of the petitioner in the criminal case is a circumstance which may require separate consideration, but

such subsequent development cannot, by itself, retrospectively convert the assessment of suitability made on the basis of the material available at the relevant point of time into a disciplinary finding of guilt.

41. Therefore, the Administrative Committee was required to consider the overall conduct of the petitioner during the period of probation and training and to determine whether, having regard to the material placed before it, he was suitable to continue as a Civil Judge (Junior Division). The record indicates that the Committee considered not merely the *suo motu* report of the Director of the Judicial Academy but also the other material placed before it and the explanation submitted by the petitioner.

42. In such circumstances, the contention that the absence of a regular departmental inquiry, by itself, renders the order of discharge invalid cannot be accepted without first examining the true nature of the order and the basis upon which it was passed. Where the order is genuinely one of discharge on the ground of unsuitability during probation and is not founded upon a determination of misconduct by way of punishment, the

requirements applicable to a punitive disciplinary proceeding cannot automatically be imported into such an assessment.

43. The learned counsel for the petitioner placed reliance upon a judgment of the High Court of Andhra Pradesh in WP No.4041 of 2019 concerning the petitioner's co-officer, who had faced similar charges. In the said case, two of the charges framed against the co-officer were set aside, the order of discharge passed by respondent No.1 was quashed, and a direction was issued for her reinstatement. However, upon perusal of the said judgment, it is pertinent to note that the judgment deals with the legal principles governing the applicability of Article 311 of the Constitution of India to public servants.

44. The petitioner has also relied upon the judgment of the High Court of Andhra Pradesh by which the order of discharge passed against his co-trainee officer was set aside. The said judgment is certainly a relevant judicial precedent and requires due consideration; however, the same cannot be treated as determinative of the validity of the order passed in the case of the present petitioner. The assessment of suitability has to be

examined with reference to the material available in the petitioner's individual case and the reasons which weighed with the competent authority in arriving at its decision. At the highest, the said judgment may have persuasive relevance, but it cannot dispense with an independent examination of the record pertaining to the present petitioner.

45. Therefore, the contention of the petitioner that he was afforded no opportunity whatsoever before the impugned order was passed is not borne out by the record. The petitioner was placed on notice, was furnished the relevant material sought by him, was granted time to submit his explanation, and his explanation was considered by the Administrative Committee before the decision to discharge him was taken.

46. This Bench has considered the following judgments referred by both the parties:

i. ***Vijay Raj v. Union of India and others[1],***

ii. ***Parshottam Lal Dhingra v. Union of India[2],***

[1]AIR Online 2020 Allahabad 825
[2]AIR 1958 Supreme Court 36

iii. ***State of Bihar v. Gopi Kishore Prasad***[3]***,***

iv. ***State of Orissa v. Ram Narayan Das***[4],

v. ***Madan Gopal v. State of Punjab***[5]***,***

vi. ***Gujarat Steel Tubes Ltd. v. Gujarat Steel Tubes Mazdoor Sabha***[6]***,***

vii. ***Oil and Natural Gas Commission v. Dr. Md. S. Iskander Ali***[7]***,***

viii. ***Dipti Prakash Banerjee v. SatyendraNath Bose National Centre for Basic Sciences, Calcutta and Others***[8]***,***

ix. ***Chandra Prakash Shahi v. State of U.P. and Others***[9]***,***

x. ***Uttar Pradesh and others v. Ram BachanTripathi***[10] ***and***

xi. ***SarithaChoudary v. High Court of Madhya Pradesh***[11]

47. In ***Parshottam Lal Dhingra*** (2nd cited supra), the relevant paragraphs are extracted below:

> *This appeal has been filed with a certificate of fitness granted by the Punjab High Court on 20-8-1956. It is directed against the judgment and order passed by a Division Bench of that Court on 19-1-1956 [Union of India v. Parshotam Lal Dhingra, 1956 SCC*

[3]AIR 1960 Supreme Court 689
[4]AIR 1961 SC 177
[5]AIR 1963 SC 531
[6]1980 (2) SCC 593
[7]AIR 1980 SC 1242
[8](1999) 3 SCC 60
[9](2000) 5 SCC 152
[10]2005 (106) FLR 1214
[11] 2025 INSC 289

OnLinePunj 19], in Letters Patent Appeal No. 28 of 1955, reversing the judgment and order of Harnam Singh, J. pronounced on 15-4-1955, whereby his Lordship had allowed the appellant's application being Civil Writ No. 36-D of 1955 and set aside the order passed by the General Manager, Northern Railway on 19-8-1953, reverting the petitioner from the post of Signal and Telecommunication Engineer (Telegraphs) in Class II service where the appellant was officiating to his substantive post in Class III service. This appeal raises a very important question about the construction of Article 311 of the Constitution.

2. *The facts are shortly as follows: in August 1924 the appellant joined the Railway Service as a Signaller (Telegraphist). As a result of selection, he was promoted as Section Controller in 1942 and as Deputy Chief Controller in 1947 and as the Chief Controller in 1950. All these posts were in Class III service. On 31-3-1951, seven candidates, including the appellant, appeared before a selection board constituted for selecting a candidate for the post of Assistant Superintendent Railway Telegraphs, which was a gazetted post in Class II Officers' cadre. The appellant was selected out of the seven candidates for this post. On 2-7-1951, a notice of appointment was issued from the headquarters of the East Punjab Railway, Delhi notifying that "Mr.Parshotam Lal, officiating Chief Controller, is appointed to officiate in Class II service as Asstt. Spdt. Rly. Telegraphs, Headquarters Office vice Mr.Sahu Ram whose term of temporary re-employment expires on the afternoon of 3-7-1951". The applicant actually relieved MrSahu Ram in the afternoon of 3-7-1951. It appears that on 28-4-1953, one Gouri Shankar SSTEI/Hd. Qrs. made certain adverse remarks against the appellant in his confidential report for the year ending 31-3-1953. This confidential report came before Shri S. Sen, CSTE, on 25-5-1953, who confirmed the views expressed by Shri Gouri Shankar and added his own opinion which was also adverse to the appellant. According to the usual practice obtaining in the office the aforesaid remarks were placed before the General Manager, Shri Karnail Singh, who on 11-6-1953, remarked thereon as follows:*

> *"I am disappointed to read these reports. He should revert as a subordinate till he makes good the shortcomings noticed in this chance of his as an officer. Portions underlined red to be communicated."*

3. *The adverse remarks against the appellant in the confidential report for the year ending 31-3-1953, which were communicated to*

the appellant for his information by a confidential letter No. E-106/180 dated 29-6-1953, were as follows:

> *"... He is, however, inclined to be hasty in his decisions. His office work is scrappy and does not show attention to detail. His relations with staff as well as officers have not been happy. He has displayed a tendency to resort freely to transfers and punishment of staff, as a means of correcting their faults and in regard to officers has not maintained the proper tone and approach in official notings, discussions and letters to Divisions.*
>
> *The above shortcomings have been brought to his notice on a number of occasions both in person and in writing, without any improvement."*
>
> *Remarks of Shri S. Sen, CSTE*
>
> *"... This officer suffers from an inflated idea of self-importance. His ways and manners require radical change if he desires to have a successful career as an officer."*
>
> *Remarks of the General Manager*
>
> *"I am disappointed to read these reports...."*

4. *On 24-7-1953, the appellant, who had by this time earned two increments on 4-7-1952 and 4-7-1953, made a representation against the remarks made against him. On 19-8-1953, however, Notice No. 940-E/14 (E.I.A.) was issued by the General Manager (P) to the following effect:*

> *"Shri BishambarNath Chopra, Instructor Railway Training School, Saharanpur, is transferred to Headquarters office and appointed to officiate in Class II service as Assistant Signal and Telecommunication Engineer (Telegraphs) vice Shri Parshotam Lal Dhingra, who on relief reverts to Class III appointment."*

5. *The appellant on 20-8-1953, appealed to the General Manager for reconsideration and thereafter on 19-10-1953, appealed to the Railway Board and made a representation also to the President of India. On 2-2-1955, the Railway Board wrote to the General Manager as follows:*

> *"With reference to your Letter No. 3780 dated 30-12-1953, the Board desires that you should inform Shri Parshotam Lal Dhingra that his reversion for generally unsatisfactory work will stand, but that this reversion will not be a bar to his being considered again for a promotion in the future if his work and conduct justify. He should also be informed that he has, in his representation, used language unbecoming of a senior official, and that he should desist from this in future.*

> *You may watch his work up to the end of March 1955 and judging from his work and conduct, you may treat him as eligible for being considered for promotion as Assistant Transportation Superintendent in the selection that may be made after March 1955."*
>
> *This was communicated to the petitioner on 17-2-1955.*

48. In ***Gujarat Steel Tubes Ltd.*** (6th cited supra), the relevant paragraphs are extracted below:

> ***53.*** *Masters and servants cannot be permitted to play hide and seek with the law of dismissals and the plain and proper criteria are not to be misdirected by terminological cover-ups or by appeal to psychic processes but must be grounded on the substantive reason for the order, whether disclosed or undisclosed. The Court will find out from other proceedings or documents connected with the formal order of termination what the true ground for the termination is. If, thus scrutinised, the order has a punitive flavour in cause or consequence, it is dismissal. If it falls short of this test, it cannot be called a punishment. To put it slightly differently, a termination effected because the master is satisfied of the misconduct and of the consequent desirability of terminating the service of the delinquent servant, is a dismissal, even if he had the right in law to terminate with an innocent order under the standing order or otherwise. Whether, in such a case the grounds are recorded in a different proceeding from the formal order does not detract from its nature. Nor the fact that, after being satisfied of the guilt, the master abandons the enquiry and proceeds to terminate. Given an alleged misconduct and a live nexus between it and the termination of service the conclusion is dismissal, even if full benefits as on simple termination, are given and non-injurious terminology is used.*
>
> ***54.*** *On the contrary, even if there is suspicion of misconduct the master may say that he does not wish to bother about it and may not go into his guilt but may feel like not keeping a man he is not happy with. He may not like to investigate nor take the risk of continuing a dubious servant. Then it is not dismissal but termination simpliciter, if no injurious record of reasons or punitive pecuniary cut-back on his full terminal benefits is found. For, in fact, misconduct is not then the*

> *moving factor in the discharge. We need not chase other hypothetical situations here.*

Though the Court was considering the distinction between foundation and motive in a labour matter, the question of motive and foundation is common to labour matters as well as the cases involving government servants and public sector employees.

49. While considering the validity of the termination of a probationer, the Hon'ble Supreme Court in ***Oil and Natural Gas Commission*** (7th cited supra), while upholding the order of termination, the Court held that the termination was simpliciter, devoid of any stigma, and did not entail any civil consequences. It further observed that the respondent employee had no right to continue in service. The Court also recorded a finding that the employee had failed to establish a strong case warranting an examination of the underlying doctrines and material to determine whether the termination amounted to victimization or punitive action.

50. The validity of termination of a probationer by simpliciter order was again raised in ***Dipti Prakash Banerjee*** (8th cited supra), wherein the mere fact that the order mentions certain words like "unsuitable", "unsatisfactory work or conduct", "not dependable", "lack of potential", etc., by itself may not amount to stigma; but whether, from the language or the words implied in the order of termination, it casts a stigma or not will depend on the facts and circumstances of each case. If the order of termination does not contain any word amounting to stigma but refers to some other document which contains words amounting to stigma that would vitiate the order of termination simpliciter. The distinction between foundation and motive was also explained in paragraph 21 of the judgment as under:

> *(21) If the findings were arrived at in an inquiry as to misconduct behind the back of the officer or without a regular departmental inquiry, the simple order of termination has to be treated as founded on the allegations and will be bad. But if the inquiry was not held, no finding was arrived at, and the employer was not inclined to conduct an inquiry, but at the same time if he did not intend to continue the employee against whom there were allegations, it will only be a case of motive and the order will not be bad. If the employer did not want to inquire into the truth of the allegations because of delay in regular*

> *departmental proceedings or he was doubtful about securing adequate evidence, in such case also the allegation would be a motive and not the foundation, and the order of termination would be valid.*

51. The question of simpliciter removal or termination of a probationer was also dealt with in ***Chandra Prakash Shahi*** (9th cited supra), wherein it was held that in such a matter of simpliciter termination, the concept of motive and the foundation has always been considered. Motive is the moving power which impels action for a definite result, or to put it differently, motive is that which incites or stimulates a person to do an act. However, when a motive would become a foundation is an issue which has to be decided by the court with reference to the facts of a given case. Motive and foundation are certainly two points of one line, ordinarily apart, but when they come together, motive gets transformed and merges into foundation.

52. With reference to the probationer, the Court held that a probationer has no right to hold the post and can be terminated at any time during the period of probation on the account of general unsuitability for the post in question. If an inquiry is held to determine the suitability of a probationer for the post in

question, his further retention in service or his confirmation, and a decision is taken to terminate his service based on such inquiry, the order will not be punitive as the inquiry and finding therein would only be a motive. But if there are allegations of misconduct and an inquiry is held to find out the truth of that misconduct, and an order of termination is passed based thereon, it will be punitive in nature, and the inquiry was held not for assessing the general suitability of the employee for the post in question, but to find out the truth of allegations of misconduct against that employee. In that case, the order would be founded on the misconduct, will not be a case of mere motive.

53. In State of ***Uttar Pradesh and others*** (10th cited supra), the Court considered circumstances in which an order of termination can be said to be stigmatic and held as follows in paragraph 6 and 7:

> ***6.*** *We shall first examine the plea relating to the stigma. Usually a stigma is understood to be something that is detraction from the character or reputation of a person. It is a blemish, imputation, a mark or label indicating a deviation from a norm.*

> ***7.*** *Mere description of a background fact cannot be called a stigma. In the termination order it was merely stated that the show-cause notices were issued and there was no response. This can by no stretch of imagination be treated as a stigma as observed by the Tribunal and the High Court.*

54. In respect of the judgment in ***Saritha Choudary*** (11th cited supra), wherein it is held that an employee's behavioral standard also has to be looked into when the question of suitability would come into play.

55. The main contention of the petitioner is that his performance was neither evaluated as unsatisfactory nor was any specific ground recorded to establish that he was unsuitable to hold the post of Junior Civil Judge.The petitioner was appointed on probation and the incident in question occurred during the probationary period. The assessment of the petitioner's performance was not the sole basis for concluding that he was unsuitable for the post to which he had been appointed, pursuant to which his services were terminated by way of discharge. However, the conduct of the petitioner during the course of training, clearly demonstrates that his behavior

along with his co-officer, was unbecoming of a judicial officer. A judicial officer is expected to maintain a minimum standard of decency, decorum and propriety, and his conduct must not be improper or objectionable in a public forum. The petitioner's conduct in the public court was such as to render him unworthy of being appointed as a judicial officer.

56. Further, the conduct of the petitioner and his co-officer during training was not confined to the premises of the academy and their behavior while attending practical training outside the academy also reflects upon their conduct and suitability for appointment to the judicial service.

57. In this regard, the Hon'ble Supreme Court, in its decision reported in ***Parshottam Lal Dhingra*** (2nd cited supra), considered the circumstances in which the protection afforded under Article 311 of the Constitution of India would be available to a public servant. In particular, the Court examined when termination of service or reduction in rank would amount to the imposition of a punishment.

58. Although the petitioner was acquitted in the criminal case registered in Crime No.288 of 2018, titled Assistant Commissioner of Police, Chikkadpally Division, Hyderabad v. P. Satyanarayana Rao, *vide* judgment dated 26.02.2024, holding him not guilty of the offences charged against him, the petitioner has not sought any amendment to the grounds raised in the writ petition to specifically rely upon the said judgment as a basis for setting aside the impugned orders. Therefore, the said judgment cannot, in the absence of appropriate pleadings, be made the basis for granting the relief sought by the petitioner. Moreover the conduct of the petitioner in the court and outside the court, a judge holds a position of immense responsibility and adherence to ethical standards is paramount to upholding the rule of law and safeguarding the credibility of the judiciary. By maintaining high standards of conduct, the judiciary can continue to be guardian of Constitutional Values and the protector of justice in society. The entire allegations and the findings of the learned Sessions Judge show that the said Judge is not an honoured acquittal. A perusal of the findings and

observations made in the said judgment would reveal that the learned Judge disbelieved the version of PW1 for want of proof of the alleged circumstances. Further, the entire allegations pertain to matters touching upon the moral turpitude of the petitioner.

59. The question that arises for consideration is whether the discharge of the petitioner, along with his co-officer, was founded upon misconduct so as to constitute a penalty or punishment, or whether it was a simpliciter discharge on the ground of unsuitability during probation.

60. In the present case, it is evident from the resolution of the Administrative Committee that the matter was initially placed before the concerned Portfolio Judge, who directed that it be placed before the Patron-in-Chief. The Patron-in-Chief, in turn, directed that the matter be placed before the Administrative Committee. The Administrative Committee afforded the petitioners an opportunity to submit their explanations as to why they should not be discharged from service. Although they were initially placed under suspension, they were subsequently granted a further opportunity to submit their explanations

within ten days from the date of receipt of the orders. Accordingly, further show-cause notices were issued pursuant to the resolution of the Administrative Committee, specifically calling upon them to submit their explanations.

61. Ultimately, at a meeting held on 05.11.2018, the Administrative Committee of the Hon'ble Judges concluded that both the officers were unsuitable for the posts to which they had been appointed. The Committee invoked Rule 11 of the A.P. State Judicial Service Rules, 2007, and Rule 11 of the Telangana State Judicial Service Rules, 2017, concerning the discharge of probationers found unsuitable for appointment. The resolution of the Administrative Committee was thereafter placed before the Full Court of the Hon'ble Judges for approval by circulation, and the Full Court approved the resolution dated 05.11.2018.

62. Upon perusal of the proceedings and the resolution, it is evident that the Administrative Committee categorically concluded that the probationers were unsuitable for the posts to which they had been appointed, having regard to their demeanour and conduct. A consideration of the entire

proceedings indicates that the impugned discharge was an order of termination simpliciter and cannot be construed as a punishment warranting the invocation of Article 311 of the Constitution of India. Consequently, the petitioner cannot claim the protection afforded thereunder merely on the basis of the allegations that preceded the discharge.

63. The Hon'ble Supreme Court held that where a simple order of termination is founded upon allegations of misconduct, it may be liable to be set aside. However, where no inquiry is conducted, no findings are recorded and the employer does not intend to continue the employee against whom complaints have been received, the allegations may constitute merely the motive for termination rather than its foundation. In such circumstances, an order of termination simpliciter would not be rendered invalid.

64. The same principle applies where the employer does not wish to inquire into the truth of the allegations owing to the delay involved in conducting regular departmental proceedings or doubts regarding the availability of sufficient evidence. In

such circumstances, the allegations constitute the motive for termination rather than its foundation, and the order of termination simpliciter would remain valid.

65. Applying the aforesaid principles to the facts of the present case, we are of the opinion that neither the resolution of the Administrative Committee nor the proceedings of the Full Court specifically refer to the allegations leveled against the petitioner. Instead, upon consideration of the material placed before them, the Committee concluded that the petitioner was unsuitable for continuation in the post and accordingly ordered his discharge from service. Therefore, the allegations against the petitioner constituted merely the motive for the discharge and cannot be regarded as the foundation of the impugned order.

66. Upon further perusal of the resolution of the Administrative Committee, it is evident that no specific allegations of a stigmatic nature were incorporated therein. The mere reference to the petitioner's conduct and behavior, in the context of assessing his suitability for continuation of service, does not render the order punitive in nature.

67. Further, G.O.Ms.No.74, dated 31.12.2018, which is also one of the impugned orders, reiterates the report submitted by the Director of the Judicial Academy. However, the said Government Order does not incorporate any specific findings or imputations of misconduct against the petitioner or his co-officer that would render their discharge stigmatic or attract the protection under Article 311 of the Constitution of India.

68. It is also pertinent to mention that after hearing the learned counsel appearing for both the parties, this Court called for the vigilance file pertaining to the petitioner in relation to the subject matter. We have had the opportunity to peruse the entire material placed on record, including the contents of the said vigilance file, before proceeding to adjudicate the present writ petition.

69. For the aforesaid reasons, we are of the considered opinion that the petitioner has failed to establish any grounds warranting interference with the impugned orders and the consequential proceedings in ROC No.6747/2018-B.Spl., dated 03.01.2019, and G.O.Ms.No.74, Law (LA&J-Home Courts-A2)

Department, dated 31.12.2018, issued by respondent Nos.1 and 2 respectively, discharging the petitioner from the State Judicial Service. Consequently, we find no grounds to interfere with the impugned proceedings. The writ petition is devoid of merit and is liable to be dismissed.

70. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous applications, if any, pending in this appeal shall stand closed.

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P. SAM KOSHY, HACJ

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NARSING RAO NANDIKONDA, J

Date: 30.10.2026
vjb