IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY NINTH DAY OF DECEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH AND

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 1370 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 14/06/2024 in W.P.No.14373 of 2023 on the file of the High Court.

Between:

1. The State of Telangana, rep by its Principal Secretary School Education Department, Telangana Secretariat Hyderabad.
2. Jawahar Bal Bhavan, Rep by its Director and Special Officer, Public Gardens, Hyderabad.

.....APPELLANTS/RESPONDENTS

AND

D Ramchander, aged about 53 years Occupation Junior Stenographer Under Orders of Dismissal the Directorate of Jawahar Bal Bhavan Public Gardens Nampally, Hyderabad R/o Hyderabad.

.....PETITIONER/RESPONDENT

I.A.NO:2 OF 2024

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the orders dated 14-06-2024, passed in W.P.No. No.14373 of 2023, pending disposal of the above writ appeal.

Counsel for Appellants : SRI SANTHAPUR SATYANARAYANA RAO, GP FOR SERVICES - I

Counsel for Respondent : SRI GODA SIVA, SENIOR COUNSEL, REPRESENTING Ms GODA RAMALAKSHMI

The Court made the following JUDGMENT : -

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.1370 of 2024

Dated:27.12.2025

Between:

The State of Telangana,
rep. by its Principal Secretary, School Education Department,
Telangana Secretariat, Hyderabad, and another.

...Appellants

and

D.Ramchander

...Respondent

JUDGMENT (Aparesh Kumar Singh, CJ):

Sri Santhapur Satyanarayana Rao, learned Government Pleader for Services-I, appears for the appellants.

Sri Goda Siva, learned Senior Counsel, representing Ms. Goda Ramalakshmi, appears for the respondent.

2. Heard learned counsel for the parties.

3. The State of Telangana and Jawahar Bal Bhavan, the respondents in W.P.14373 of 2023, are the appellants herein aggrieved by the

judgment dated 14.06.2024 rendered by the learned writ court quashing the impugned G.O.Ms.No.14, School Education (Vigilance) Department, dated 12.04.2023, whereby the respondent herein (hereinafter referred to as 'the writ petitioner') was dismissed from service. The learned writ court also directed the appellants to pay all the consequential benefits to the writ petitioner as per his entitlement.

4. The narration of facts as furnished in the form of a tabular chart containing the genesis of the dispute from the year 2002 when the writ petitioner was promoted to the post of Senior Assistant from the post of Junior Stenographer in the office of appellant No.2 are extracted hereunder:-

Date	Description
01.01.2002	Petitioner promoted to the post of Senior Assistant
08.05.2007	Based on above complaint stating that the petitioner has produced a fake degree certificate for the purpose of getting advance increments and promotion as Senior Assistant, the petitioner was served with charge memo wherein four different charges were framed against him
05.05.2008	Petitioner was placed under suspension
03.03.2009	Petitioner was reinstated into service
Criminal case registered	For the same issue, a criminal complaint was lodged in C.C.No.1023 of 2008 under Sections 467, 471 and 420 of IPC on the file of learned VI Additional Chief Metropolitan Magistrate, Hyderabad
03.08.2010	Acquitted from criminal charges under benefit of doubt
25.02.2010	The appellant No.2 issued second charge memo calling explanation

10.03.2015	The APAT set aside the charge memo dated 25.02.2010 passed in O.A.No.1421 of 2014, by granting liberty to proceed and to conduct enquiry in terms of Rule 20 of CCA Rules
18.03.2017	The appellant No.2 issued fresh charge memo
	Petitioner submitted his explanation stating that he cannot be subjected to repeated enquiries and requested to drop further action
21.08.2017	Enquiry conducted and the enquiry officer submitted his report holding that certain allegations were partially proved
16.09.2017	The appellant No.2 imposed a punishment of reduction to lower time scale of pay, grade, post i.e., Junior Stenographer and excess payment made to him in the cadre of Senior Assistant was recovered
09.12.2019	The appellant No.2 issued orders cancelling the earlier punishment order dated 16.09.2017 based on the orders of the Government that the earlier penalty is insufficient
13.12.2019	The appellant No.2 issued show cause notice calling explanation from the petitioner why a major penalty of dismissal from service should not be imposed based on findings of the enquiry officers report dated 21.08.2017
20.12.2019	Order of interim suspension passed in W.P.No.28123 of 2019, which was filed challenging the proceedings dated 09.12.2019.
	Petitioner filed explanation requesting to drop the action in view of interim orders in W.P.No.28123 of 2019, dated 20.12.2019
16.01.2020	The Government (appellant No.1) by invoking Rule 40 of CCA Rules issued show cause notice to enhance the penalty that was imposed earlier by appellant No.2 vide proceedings dated 16.09.2017 to that of dismissal from service
04.02.2020	Writ petition No.1192 of 2020, which was filed challenging the show cause notice dated 16.01.2020, was disposed of directing the Government to consider the explanation objectively and with open mind and without regard to what is mentioned in paragraph 7 of the show cause notice and take appropriate decision as warranted by law.
12.04.2023	The appellant No.1 issued final order imposing punishment of dismissal from service for producing face degree certificate and obtained promotion and other benefits by the petitioner
14.06.2024	Writ petition No.14373 of 2023, which was filed challenging the proceedings dated 12.04.2023, was allowed, which is impugned in the present writ appeal.

07.10.2025	The writ petition No.19117 of 2019, which was filed aggrieved with the earlier punishment order dated 16.09.2017, was withdrawn as infructuous

5. The present controversy revolves around the dismissal of the writ petitioner by impugned G.O.Ms.No.14, dated 12.04.2023, passed under Rule 40(iv) of the Telangana Civil Services (Classification, Control and Appeal) Rules, 1991 (hereinafter referred to as 'CCA Rules'), and as per G.O.Ms.No.2, General Administration (Ser.C) Department, dated 04.01.1999, read with clause (x) of Rule 9 of the CCA Rules passed by the Secretary to Government.

6. Rule 40 of the CCA Rules reads as under:

> "40. (1) Notwithstanding anything contained in these rules.
>
> (i) the Government, or
>
> (ii) in the case of a Government servant serving in a department or office under the control of a head of department such head of the department directly under the Government; or
>
> (iii) any appellate authority, or
>
> (iv) any other authority specified in this behalf by the Government by a general or special order, and within such time as may be prescribed in such general or special orders may where a revision petition is preferred by the Government servant within one year of the date of receipt by him of the order sought to be revised, and in cases where no .such revision petition is preferred within four years of the date of the order proposed to be revised, either suo-motu or otherwise and after calling for the records of any inquiry and examination, revise any order of penalty made under these rules or under the rules repealed by the rule 45, after

consultation with the commission where such consultation is necessary. The said authority may exercise the power suo-motu within four years from the date of issue of order of penalty by the competent authority or within one year of the date of receipt of the petition either confirm or reduce or set aside the order of penalty or any other order already issued, and where it is proposed to enhance the penalty, such authority may exercise the power within four years from the date of receipt of the petition and revise any order made under rule 45 after consultation with the commission where such consultation is necessary, and

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as it may deem fit;

Provided that the Special Inspector-General of Police (Law and Order) or the Deputy Inspector-General of Police or an officer of the corresponding rank may, of his own motion or otherwise, revise an order passed on appeal by the authority subordinate to him:

Provided further that no order imposing or enhancing any penalty shall be made by any revising authority unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the major penalties specified in rule 9 or to enhance the minor penalty imposed by the order sought to be revised to any of the major penalties and if an inquiry under rule 20 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in rule 20, subject to the provisions of rule 25 and except after consultation with the Commission, where such consultation is necessary:

Provided also that subject to the provisions of rule 25, the revising authority shall:

(a) where the enhanced penalty which the revising authority propose to impose, is the one specified in clause (iv) of rule 9 and falls within the scope of the provisions contained in subrule (2) of rule 22; and
(b) where an inquiry in the manner laid down in rule 20 has not already been held in the case.

itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 20 and thereafter, on a consideration of the proceedings of such inquiry, pass such orders as it may deem fit:

Provided further that no power of revision shall be exercised by the head of department, unless
(i) the authority which made the order in appeal, or
(ii) the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

(2) No proceeding for revision shall be initiated or commenced until after ....
(i) the expiry of the period of limitation for preferring an appeal, or
(ii) the disposal of the appeal, where any such appeal has been preferred; the Government servant may however prefer a revision petition for revising the order of penalty within a period of one year after the appeal petition to the prescribed appellate authority is disposed off.

(3) An application for revision shall be dealt with in the same manner as if it were appeal under these rules.
[G.O.Ms.No. 455, G.A. (Ser.C) Dept., dated 5-12-2001]"

7. One fact which also needs to be referred to herein is that the Telangana State Public Service Commission, through its letter dated 29.12.2020, had on the proposed punishment of dismissal opined that the writ petitioner may be reverted to a lower post and be refrained from handling any matters related to services. Additionally, it was also suggested that the writ petitioner should not be considered for promotion

for a period of seven years even after acquiring the required qualifications. The original punishment imposed upon the writ petitioner vide order dated 16.09.2017 was also for a reduction to lower time scale of pay, grade, post i.e., Junior Stenographer and recovery of excess payment made in the cadre of Senior Assistant. The writ petitioner had joined in the post of Junior Stenographer on 21.09.2017 and filed writ petition i.e., W.P.19117 of 2019 aggrieved by the punishment order. It was disposed of as infructuous on 07.10.2025. Thereafter, the decision of appellant No.2 to cancel the earlier punishment order dated 16.09.2017 vide order dated 09.12.2019 on the ground that the earlier quantum of punishment was insufficient was subject matter of W.P.No.28123 of 2019. An interim suspension of the proceedings impugned therein was granted on 20.12.2019. The said writ petition was also disposed of as infructuous on 07.10.2025. The show cause notice dated 16.01.2020 under Rule 40 of the CCA Rules proposing to enhance the punishment earlier imposed vide proceedings dated 16.09.2017, to that of dismissal from service was issued. The said show cause notice was made the subject matter of W.P.No.1192 of 2020 which was disposed of on 04.02.2020 directing the Government to consider the explanation of the writ petitioner objectively and with open mind and without regard to what has been mentioned in paragraph 7 of the said show cause notice. In

pursuance of the same, the writ petitioner had submitted his explanation on 31.01.2020. An additional reply was submitted on 13.02.2020. Since the explanation of the writ petitioner was not found to be convincing, the impugned G.O.Ms.No.14, School Education (Vigilance) Department, dated 12.04.2023 dismissing the writ petitioner from service was issued for producing fake degree certificate and having obtained increments and promotion to the post of Senior Assistant.

8. The chronology of facts referred to hereinabove shows a chequered history of disciplinary proceeding against the writ petitioner on the charges of getting advance increments, promotion to the post of Senior Assistant on production of a fake degree certificate.

9. The question, therefore, which now falls for consideration is whether the impugned order of dismissal from service is proper in the eye of law and whether the order of the learned writ court warrants interference?

10. To answer the question, it is necessary to go to charge regarding the alleged production of the fake degree and provisional certificate by the writ petitioner to get promotion to the post of Senior Assistant. Be it again indicated herein that on the same allegation, both disciplinary proceedings and a criminal case bearing C.C.No.1023 of 2008 were

instituted. The criminal case was instituted on a complaint filed by the Director of Jawahar Bala Bhawan - P.W.1 and on the basis of the preliminary enquiry conducted by one Dr. M.K.Ramu - P.W.4, in the criminal case. It is pertinent to refer to the Articles of Charges framed vide charge sheet dated 04.04.2017 are as under:

> **"Article I**: Sri D.Ramachander, Senior Assistant, JBB, Hyderabad has been doing highly objectionable irregularities and deliberately cheating the office in which he is working and also the banks, drawing loans irregularly.
>
> **Article II**: Sri D.Ramachander, Senior Assistant, got promotion as Senior Assistant by submitting fake degree certificate.
>
> **Article III**: Sri D.Ramachander while dealing establishment matters, he was removing all papers relating to processing payment of Degree allowance.
>
> **Article IV**: It is alleged that he was collecting huge funds from the staff members of the different Bal Kendras promising the staff that he would do the work of fixation of pay scales."

11. The findings of the Enquiry Officer against each of the Articles of Charges are as under:

> "1. Sri D.Ramachander, Senior Assistant - He has stated that the amount of Rs.1.5 lakhs has been taken as personal loan in the name of Smt. D.Dhanalaxmi, (wife) from Vijaya Bank, Hyderabad based on salary certificate issued by the Drawing Officer along with others. After that balance amount of Rs.1,35,712/- has been remitted to the Bank and obtained clearance certificate on 02.09.2006. Hence he has stated that there is no irregularity and illegality in the entire issue. He has requested to drop the charge. But since the amount was remitted to the Bank, the allegation that the salary was shown as hike and got the loan is not proved as the salary certificate is issued based

on the pay of Rs.10250.00 per month in the scale of Rs.4530-7300 as per salary certificate dated: 04.02.2004 of the drawing officer. The allegation is partially proved.

2. The statement of the Delinquent that he has produced B.A Degree certificate from Osmania University dated.11.06.2009 and hence there is no basis that he has taken promotion on fake degree certificate is contrary to the facts of the case and also records of the events which underwent in the matter. He has taken promotion based on fake degree certificate of Andhra University, Waltair with study certificate of unauthorized study centre. The statement of he submitted certificate of Osmania University at that time is not correct and also further statement of submitted in 2009 is contrary to the entire records of the file. This is misleading statement in the enquiry questionnaire is a vast contrary to the stand taken by the incumbent and the certificate of Osmaina University was used as instrument at present only and not submitted any where in the file either in the enquiry or for record purpose. Further, the incumbent suppressed the events of CBCID case and also court case and findings of the previous enquiry report and simply submitted that he is not concerned with the study centre details will not hold water. The case is proved case and action has to be taken to revert him from 2002 by recovering any excess payment made to him in the event of promotion as the incumbent himself stated in the questionnaire that he is withdrawing his claim based on the certificates submitted by him in 2002.

3. He has stated that at the time of going on leave on 06.04.2005, he has handed over almirah keys to Sri G.Bhaskar Kumar, Secretary (Literacy Wing) who was Incharge of administration. He alleged that during leave period Sri D.Raghavendra Rao, Junior Assistant and Sri G.Bhaskar Kumar, Secretary (Literacy Wing) operated his seat by conducting Panchnama with the 5 member committee appointed by the Director and processed good number of files and at that time, they have asked his B.A. Degree certificate. Hence he has stated that they have removed papers from important files as they operated from 06.04.2005 to 12.05.2005. Therefore, he has stated that any removing of papers is directly attributable to them and not on him. The statement of the incumbent that he has produced degree certificate in 2009, whereas the allowances were sanctioned in 2002 on the strength of degree certificate of Andhra University, Waltair but not on the certificate of Osmania University in 2009. There is a vast contrary to the stand taken by the incumbent and the Certificate

of Osmania University was used as instrument at present only and not submitted any where in the file either in the enquiry or for record purpose. The allegation is held proved and the excess amount of degree allowances has to be recovered from him.

4. Regarding collection of huge funds from the staff members of Bala Kendras for fixation of pays in the PRC, he has stated that Sri Shiva Kumar, Superintendent, Bala Kendra on 10.06.2005 has informed that extending copy to Secretary to Government, Education Department that he has no way responsible and amount was paid to him. The same statement was reiterated in the questionnaire also. Moreover, Sri Shiva Kumar, Superintendent, Bala Kendra has not attended to the enquiry on 03.06.2017 even though communication was sent by speed post and the same was returned. Hence the charge is not proved.

5. Regarding the tampering of the entries in the Service Register of Sri A.Vasantha Rao, Dance Master of the office, it held that there is correction of leave entry as accepted by Sri D.Ramchander in the reply submitted to the questionnaire by rounding the leave of 30 days as 15 days with no attestation. Therefore, the allegation is partially proved.

6. Sri D.Rambrahmam who is prime complainant has not attended to the enquiry on 03.06.2017 and not responded though communication was sent by speed post which was returned to the sender. As seen from the previous enquiry report, he has not attended to the enquiry.

It is therefore submitted that the Articles of Charges framed above are held proved in its majority in the case of getting promotion on fake degree certificate of Andhra University in 2002, drawing the degree allowance irregularly and other charges partially. Hence major punishment may be imposed duly recovering the excess payment by virtue of promotion and also drawing degree allowance contrary to the rules and procedure as the incumbent himself stated in the questionnaire that he is withdrawing his claim based on the certificates submitted by him in 2002.

Further, the Director and Special Officer, Jawahar Bal Bhavan, Telangana, Hyderabad is requested to examine the degree certificate of Osmania University, Hyderabad passed in 2009 which was submitted first time in the enquiry by the incumbent holding that he is eligible for promotion as per rules afresh as the same is not a subject matter of enquiry either previously or at present."

12. As is evident from the Enquiry Officer's report, Article-I of the charge was partially proved and Article-II, which related to obtaining promotion as Senior Assistant by submitting fake degree certificate was also held to be proved by holding that the delinquent has made misleading statement to the enquiry questionnaire as regards production of the degree certificate from Osmania University dated 11.06.2009, as they are contrary to the facts of the case and records of events which underwent in the matter. The Enquiry Officer had opined that the writ petitioner had obtained promotion on production of fake degree certificate of Andhra University, Waltair, with a study certificate of unauthorised study centre. Therefore, the statement of submission of certificate of Osmania University is not correct. As regards Article-III, the findings of the Enquiry Officer were not clear and specific. The contention of the writ petitioner was that during his leave period Sri D.Raghavendra Rao, Junior Assistant and Sri G.Bhaskar Kumar, Secretary (Literacy Wing) operated his seat by conducting panchanama with the 5 member committee appointed by the Director and processed good number of files and at that time, they had asked his B.A.degree certificate and that they had removed papers from important files as they operated from 06.04.2005 to 12.05.2005 and were directly responsible for removing these papers. This was again not accepted relying upon the

statement that he had produced degree certificate in 2009, whereas the allowances were sanctioned in 2002 on the strength of the degree certificate of Andhra University. Article – IV which relates to collection of huge funds from the staff members of Bala Kendras for fixation of pays in the PRC was held as not proved. Upon these findings of the Enquiry Officer, the writ petitioner was imposed the punishment to reduction to lower time of scale of pay, grade, post i.e., Junior Stenographer and recovery of excess payment made in the cadre of Senior Assistant.

13. The impugned order of dismissal contained in G.O.Ms.No.14, dated 12.04.2023 issued under Rule 40(iv) of the CCA Rules and as per G.O.Ms.No.2, General Administration (Ser.C) Department, dated 04.01.1999, read with clause (x) of Rule 9 of the CCA Rules, is based on the charge of producing fake degree certificate and obtaining increments and promotion to the post of Senior Assistant. In this background, it is, therefore, relevant to refer to the judgment of the learned VI Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, dated 03.08.2010, in C.C.No.1023 of 2008 on the charges that the writ petitioner/accused had produced fake and fabricated degree and provisional certificate and got promotion as Senior Assistant. The said case was instituted after preliminary enquiry by the Director, Jawahar Bala Bhavan – P.W.4 on the

basis of the complaint filed by the *de facto* complainant - the then Director of Jawahar Bala Bhavan – P.W.1. In these proceedings, the prosecution examined nine witnesses, namely P.W.1, K.Ramachandra Reddy, the then Director, Jawahar Bal Bhavan, *de facto* complainant, P.W.2 Ravindra Reddy, who worked as Senior Accountant in Jawahar Bal Bhavan, P.W.3, who worked as Junior Assistant in Jawahar Bal Bhavan, P.W.4 Dr M.K.Ramu who worked as Director, Jawahar Bal Bhavan and conducted preliminary enquiry against the accused, P.W.5 G.Vasu Deva Bala Gangadhar Tilak, who worked as Director, Jawahar Bal Bhavan, P.W.6 N.Hanumanth Rao who worked as Sub Registrar, School of Distant Education, Andhra University, P.W.7 Dr K.Samrajya Laxmi who worked as Special Registrar and Controller of Examinations, Andhra University, P.W.8 Y.Sudhakar who worked as Senior Executive Officer, CID, Hyderabad and P.W.9 B.Venu Gopal, Inspector of Police, who investigated the case. The prosecution produced 12 Exhibits as documentary evidence, namely Ex.P.1, letter dated 13.06.2005 addressed to State Government by P.W.4 Dr. M.K.Ramu recommending to take action against the accused; Ex.P.2, copy of memo No.8613/V12(2) 2005 (2) dated 01.07.2000 directing P.W.1 to enquire into the matter; Ex.P.3 and Ex.P.4, the fake B.A.Degree certificates in the name of the accused dated 22.05.1998 and 30.07.1997 respectively; Ex.P.5, Service Register,

Ex.P.6, complaint given by P.W.1; Ex.P.7, 161 Cr.P.C. statement of P.W.2; Ex.P.8, report dated 13.05.2005 sent to Vigilance Commissioner against the accused; Ex.P.9, certificate dated 21.06.2006 said to be issued by Joint Director, Andhra University, School of Distant Education; Ex.P.10, a letter dated 29.02.2008 addressed to Inspector of Police, CID by Deputy Registrar; Ex.P.11, letter dated 29.02.2008 addressed to Inspector of Police, CID about verification of records which found the certificate in the name of the accused are not genuine and Ex.P.12 is FIR.

14. The learned trial court framed the issue for consideration, i.e., whether the prosecution was able to drive home the guilt of the accused for the offence under Sections 468, 471 and 420 of IPC beyond reasonable doubt? The discussion on the evidence produced by the prosecution, both oral and documentary evidence is contained from paragraphs 8 to 22. The opinion of the learned trial court contained from paragraphs 23 to 25 is extracted hereunder:

> "22. As argued by the learned counsel for the accused, as per Ex.P.6 Report given by P.W.1, a reference is made about the date of Degree certificate as 31.07.1997 with Registration No.10735/December, 1996. It is further mentioned in Ex.P.6 that the accused produced original Provisional certificate along with Degree certificate on 20.04.2006 with the date of issue of certificate as 31.07.1997 by the University authorities. None of Ex.P.3 and Ex.P.4 documents bears the date as 31.07.1997, as referred to in Ex.P.6 Report. The prosecution did not produce Degree and Provisional certificate dated 31.07.1997 that referred to in Ex.P.6 Report. No explanation was offered by P.W.1 and the prosecution

with regard to discrepancy as to the date of Degree certificate. Admittedly, the Degree certificate dated 31.07.1997 as referred to in Ex.P.6 was not enclosed to the said report. As stated above, there is no other documentary proof that the accused alone produced Ex.P.3 and Ex.P.4, which bear different dates other than the date mentioned in Ex.P.6 report. In the absence of any such evidence, it is doubtful whether the accused produced Ex.P.3 and Ex.P.4 certificates in the month of June, 2006. As stated above, the prosecution failed to produce the proceedings with regard to getting promotion by the accused basing on Degree qualification, to know whether the documents in Ex.P.3 and Ex.P.4 were alone produced for getting promotion.

23. In the circumstances of the case and in view of the discrepancy as to the date of Degree and Provisional certificates in Ex.P-6 Report, it is doubtful whether Ex.P3 and Ex.P-4 certificates which are not dated 31.7.97 were produced by the accused for getting promotion.

24. In the circumstances of the case and for the above reasons a benefit of doubt will be given to the accused and the accused is liable to be acquitted.

25. In the result, the accused is found not guilty for the offence punishable under Sections 468, 471 and 420 IPC and he is acquitted of the same under Section 248(1) Cr.P.C. Bail bonds of the accused shall stand cancelled and they are set at liberty."

15. The learned trial court held that prosecution had not been able to prove that the writ petitioner/accused had produced Exs.P3 and P4 on different dates with regard to getting promotion by the accused based on degree qualification. Under these circumstances, the writ petitioner was acquitted granting him the benefit of doubt.

16. The impugned order of punishment contained in G.O.Ms.No.14 dated 12.04.2023 was imposed, as the punishment imposed was not

commensurate with the charges proved i.e., producing the fake degree certificate and provisional certificate for getting increments and promotion to the post of Senior Assistant. The writ petitioner had undergone disciplinary proceedings for the same charges and also criminal proceedings.

17. The appellants have placed reliance upon the decision of the Hon'ble Supreme Court in **Indian Oil Corporation Limited vs. Rajendra D. Harmalkar**[1] and contended that interference with punishment imposed by the disciplinary authority when charges of misconduct are proved in an enquiry is essentially within the domain of the departmental authorities and the courts should not usurp that function. The scope of interference is limited where the punishment imposed shocks the conscience of the court. Further, if the acquittal in criminal proceedings is by granting benefit of doubt, the acquittal is inconsequential for the purpose of imposing penalty in disciplinary proceedings. In the facts of the said case, it appears that while on one hand the petitioner was acquitted for the offence under Sections 468 and 471 of IPC in respect of the charges of producing forged SSLC certificate by giving benefit of doubt, in the disciplinary proceedings the petitioner had admitted that he produced the fake and forged certificate. Therefore,

[1] (2022) 17 SCC 361

it was held that once there was an admission on the part of the respondent – original writ petitioner, thereafter whether he has been acquitted by the criminal court was immaterial. In the present case, the writ petitioner had made no such admission of production of fake degree and provisional certificates from Andhra University in the departmental proceedings, whereas he was acquitted in the criminal case by the learned trial court by giving him the benefit of doubt, after a detailed analysis of the evidence produced by the prosecution in the form of nine prosecution witnesses and twelve exhibits in the form of documentary evidence. The prosecution had produced the Director of Jawahar Bal Bhavan as P.W.1, the Senior Accountant in the office as P.W.2, the Director of Jawahar Bala Bhavan – Dr. M.K.Ramu, who had conducted the preliminary enquiry as P.W.4, P.W.5 who had worked at Jawahar Bal Bhavan, P.W.6 who had worked as Sub-Registrar in the School of Distant Education, Andhra University, P.W7 - the Special Registrar and Controller of Examinations, Andhra University, P.W.8 – the Senior Executive Officer, CID Hyderabad and P.W.9 - the Inspector of Police, the Investigating Officer.

18. It is proper to refer to the decision in the case of **Ram Lal vs. State of Rajasthan**[2]. The delinquent constable was dismissed from service pursuant to the disciplinary proceedings for having altered his date of birth in his eighth standard marks sheet. He was acquitted in the criminal proceedings. The principles governing the acquittal were summarised by the Apex Court at paragraphs 25 to 34 of the said case. At paragraphs 28 and 29 it was held as under:

> **"28.** Expressions like "benefit of doubt" and "honourably acquitted", used in judgments are not to be understood as magic incantations. A court of law will not be carried away by the mere use of such terminology. In the present case, the Appellate Judge has recorded that Ext. P-3, the original marksheet carries the date of birth as 21-4-1972 and the same has also been proved by the witnesses examined on behalf of the prosecution. The conclusion that the acquittal in the criminal proceeding was after full consideration of the prosecution evidence and that the prosecution miserably failed to prove the charge can only be arrived at after a reading of the judgment in its entirety. The Court in judicial review is obliged to examine the substance of the judgment and not go by the form of expression used.
>
> **29.** We are satisfied that the findings of the Appellate Judge in the criminal case clearly indicate that the charge against the appellant was not just, "not proved" — in fact the charge even stood "disproved" by the very prosecution evidence. As held by this Court, a fact is said to be "disproved" when, after considering the matters before it, the court either believes that it does not exist or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist. A fact is said to be "not proved" when it is neither "proved" nor "disproved"(see *Vijayee Singh* v. *State of U.P.* [*Vijayee Singh* v.*State of U.P.*,(1990) 3 SCC 190:1990 SCC (Cri) 378])."

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[2] (2024) 1 SCC 175

19. The opinion of the Apex Court quoted above, conveys that the Court in judicial review is obliged to examine the substance of the judgment and not go by the form of expression used like "benefit of doubt" and "honourably acquitted" used in judgments and they are not to be understood as magic incantations. The conclusion that the acquittal in the criminal proceeding was after full consideration of the prosecution evidence and that the prosecution miserably failed to prove the charge can only be arrived at after a reading of the judgment in its entirety.

20. In the instant case, on one hand the writ petitioner has suffered and accepted departmental punishment of reduction to lower time of scale of pay, grade, post i.e., Junior Stenographer and recovery of excess payment made in the cadre of Senior Assistant on the basis of the findings of the disciplinary authority which was based on four articles of charges, the majority of them were held to be proved by the Enquiry Officer including the charge of obtaining promotion and consequential benefits by producing the fake degree certificate and provisional certificate. On the other hand, the writ petitioner had got an order of acquittal in his favour on the same charge of producing fake degree certificate and provisional certificate for obtaining promotion vide judgment dated 03.08.2010 in C.C.No.1023 of 2008 before the penalty was imposed in the disciplinary proceedings on 16.09.2017.

21. The learned Senior Counsel for the writ petitioner has during the course of his submissions stated that the writ petitioner had accepted the punishment of reduction to lower time of scale of pay, grade, post i.e., Junior Stenographer and recovery of excess payment made in the cadre of Senior Assistant. However, the enhanced penalty of dismissal was not warranted on facts and in the eye of law.

22. On the part of the appellants, the impugned punishment of dismissal has been defended on the ground that the charge of producing fake degree certificate was proved during the departmental proceedings. Therefore, the punishment of dismissal from service was justified.

23. It is also worthy to mention that the Telangana State Public Service Commission had vide its letter dated 29.12.2020 on the question of enhancement of penalty to dismissal from service, expressed that the writ petitioner may be reverted to a lower post and be refrained from handling any matters related to services. Additionally, it was also suggested that the writ petitioner should not be considered for promotion for a period of seven years even after acquiring the required qualifications. The appellant Government, however, chose to impose the penalty of dismissal contrary to the opinion of the Commission, though it

is well settled that recommendations of the Commission in such matter are not mandatory rather directory in nature.

24. On consideration of the entirety of the facts and circumstances in the chequered history of the case and the reasons recorded hereinabove, we are of the opinion that the enhancement of penalty invoking Rule 40 of CCA Rules by the appellants was not proper in the eye of law. The findings of the learned writ court on that count do not require any interference. However, the operative part of the impugned judgment of the learned writ court does not clarify as to which post the writ petitioner has to be reinstated with consequential benefits. Since the writ petitioner had accepted the punishment of reduction to lower time of scale of pay, grade, post i.e., Junior Stenographer as per the earlier punishment order dated 16.09.2017, we are of the view that the matter should be allowed to rest at that stage. The writ petitioner would thus be entitled to be reinstated to the reduced post of Junior Stenographer pursuant to the order dated 16.09.2017. He would be entitled to the arrears of salary from the date on which he was dismissed from service from the post of Junior Stenographer in the office of appellant No.2 by G.O.Ms.No.14, dated 12.04.2023 till the date of his reinstatement.

25. The writ appeal is accordingly dismissed with the above observations. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-MOHD. ISMAIL
DEPUTY REGISTRAR

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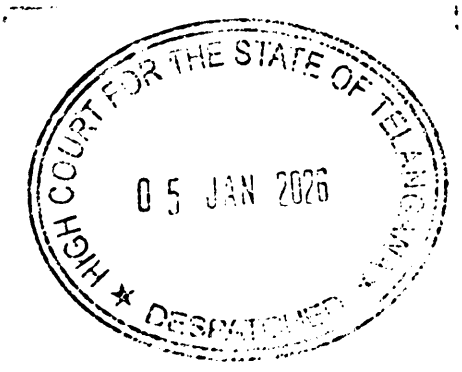
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SA

HIGH COURT

DATED:29/12/2025



JUDGMENT

WA.No.1370 of 2024

DISMISSING THE W.A

WITHOUT COSTS.

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