2026 INSC 7

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 40 OF 2026
(@ SPECIAL LEAVE PETITION (CIVIL) NO. 24570 OF 2024)

NIRBHAY SINGH SULIYA ...APPELLANT(S)

VERSUS

STATE OF MADHYA PRADESH & ANR. ...RESPONDENT(S)

J U D G M E N T

K.V. Viswanathan, J.

1. Leave granted.

2. This case highlights the unfortunate plight of a judicial officer (appellant herein) who, after 27 years of unblemished service, was removed from service. The sole and exclusive basis on which the appellant has been removed are four judicial orders by which he enlarged certain parties thereon on bail. Those four orders were contrasted with fourteen other

orders of bail and after finding that in the four orders Section 59-A of the Madhya Pradesh Excise Act, 1915 (for short the "Excise Act") was not referred to, action has been taken. According to the High Court, in the fourteen other orders the appellant referred to the said Section implying thereby that he was conscious of the existence of the said Section on the statute. Section 59-A prescribes what has now famously come to be known as "twin conditions" for grant of bail.

3. The question before us is whether on facts, based on the four judicial orders of grant of bail per se and without anything more, the authorities were justified in removing the appellant from service?

4. The facts lie in a very narrow compass. The appellant joined service on 31.10.1987 as Civil Judge (Junior Division) in the Madhya Pradesh Judicial Service. The appellant scaled the ladder up and in 2003 was promoted as Additional District Judge and in September, 2008 was confirmed in the said post. On 16.05.2011, he was transferred to Khargone, District Mandaleshwar (MP), where he joined as First Additional

District & Sessions Judge. In the course of discharge of his duties, he dealt with several matters, including bail applications under the Excise Act.

5. One Jaipal Mehta, a resident of Jaitapur, Khargone, lodged a complaint with the Chief Justice of the Madhya Pradesh High Court, Jabalpur. The complaint which did not set out any details of the bail orders and which was in very general terms reads as under:-

> "Subject: Regarding disposal of cases under Section 34(2) of IPC.
>
> Sir,
>
> In reference to above subject matter, it is requested that First ADJ Sh. Suliya posted in Khargone, District-West Nimar, Mandleshwar by taking bribe through his Steno namely Anil Joshi, Clerk, is granting bails in the cases of Section 34/2 of Excise Act i.e. of 50 Bulk Ltrs. of liquor, whereas, ADJ/Sessions Judge has no power to allow said bail applications. Said Bails are allowed by the High Court. Anil Joshi, Steno challenges in each and every case that either you bring case of 302, 307, Claim or Civil Case, I have good setting with sir, I will get it resolved, rest you have to pay money as per my wishes. Due to such corrupt employee, the judiciary is getting defamed. Injustice is being done with the aggrieved parties in place of giving them justice. Who will be responsible for it? Previously in the year 1995-196, the serious complaints of bribe were also made against the said corrupt employee, on which, no action was taken. Aforesaid employee is posted in

Khargone since last 25 years and is earning money by doing setting with Advocates openly. If the enquiry of his account be conducted, then, the truth will be exposed. If, the trust of public loses confidence in judiciary then, will be possible of military rule jungle raj."

6. It will be seen that according to the complaint, the allegation was that the appellant was taking bribe through his steno, namely, Anil Joshi for grant of bail in cases under the Excise Act in which the quantity of seized liquor was 50 Bulk liters or more; that the said Anil Joshi was claiming that he will get the work done through the appellant for extraneous consideration; that due to such corrupt employee, the judiciary was getting defamed; that even in 1995-96, serious complaints of bribery were made against the said employee on which no action was taken; that the said employee has been posted in Khargone for more than 25 years and is earning money through illegal means and that an inquiry is essential.

7. It appears from the counter affidavit filed before this Court by R-2 - the High Court of Madhya Pradesh, that a preliminary inquiry was conducted by the District Judge (I &

V), Indore Zone, Indore, against the appellant and on 06.10.2012, the Principal Registrar (I & V) put up a note based on which it was decided to initiate departmental proceedings against the appellant.

8. What emerges is that in the preliminary inquiry certain orders passed by the appellant in bail proceedings seem to have been examined and few orders pulled out. Two charges were framed against the appellant of which the second charge admittedly was held not proved by the inquiry officer. The charges read as under:-

> "Whereas, you Shri Nirbhay Singh Suliya while functioning as Additional Sessions Judge, Khargone, distt. Mandleshwar, have committed following acts which if proved would amount to grave misconduct:-
>
> ARTICLE OF CHARGE - I
> That, you, with corrupt of oblique motive or for some extraneous considerations, while functioning as Additional & Sessions Judge, allowed Bail Application No. 129/11 Lokesh Vs. State of MP vide order dated 1.8.11, Bail Application No. 136/11 Babulal & Ors. Vs. State vide order dated 4.8.11, Bail Application No.200/11 Mohan Vs. State of MP vide order dated 7.12.11, Bail Application No. 123/12 Jitendra & Nantiya Vs. State & No. 122/12 Gulab & Ors. Vs. State of MP, vide order dated 31-08-12, against the provisions of Section 59-A of the M.P. Excise Act wherein all the cases, quantity of seized liquor was 50 and more

bulk litres. On the contrary, you rejected Bail Application No.89/11 vide order dated 16.06.2011, Bail Application No. 92/11, vide order dated 23.06.11, Bail Application No.104/11, vide order dated 1.7.2011, Bail Application No.103/11, vide order dated 4.7.11, Bail Application no. 111/11, vide order dated 11.7.11, Bail Application No. 121/11, vide order dated 21.07.11, Bail Application No.140/11, vide order dated 12.08.11, Bail Application No. 160/11 vide order dated 22.09.11 and six other bail applications in which the quantity of seized liquor was 50 bulk litres or more. In this manner you have applied double standard, malafidely, in allowing the aforesaid bail applications.

ARTICLE OF CHARGE - II

That, you, with corrupt or oblique motive or for some extraneous consideration allowed the first bail application No. 101/2012 Pappu Vs. State of MP in Crime No. 101/2012 under section 439 of CrPC for offense punishable under 363, 366, 376(2)(g) of the IPC in a serious offence of gang rape without assigning any sufficient reason, whereas the accused was already facing trial in another similar crime no. 103/2012 PS Oon for offence punishable under sections 363, 366, 376(2)(g) 3 of the IPC.

Your aforesaid acts being unbecoming of Judicial Officer amount to grave misconduct under Rule 3 of M.P. Civil Services (Conduct) Rules, 1965 and are punishable under Rule 10 of the M.P. Civil Services (Classification, Control & Appeal) Rules, 1966."

9. A perusal of "Charge-I" reveals that the orders in the following bail applications where Bail was granted to the

applicants therein were the basis of the gravamen of the charge:-

Bail Application Nos.	**Date of Order**
129/2011	01.08.2011
136/2011	04.08.2011
200/2011	07.12.2011
123/2012 & 122/2012	31.08.2012

10. The charge was that for corrupt motive or that for some extraneous consideration, bail applications were allowed contrary to Section 59-A of the Excise Act. A contrast was made with 14 other bail orders, where the appellant had rejected bail. It is significant to note that among the five bail orders, Bail Application No.200/2011 that was disposed of on 07.12.2011 was actually a case where the appellant had rejected bail. Somehow that order also made its way into "Charge-I", as an order of grant of bail. Be that as it may. In the list of witnesses, Jaipal Mehta was named apart from a general statement – "any other witnesses that may be felt necessary".

11. The appellant gave his reply and dealt with each bail order that was subject matter of the charge.

12. We have perused the actual bail orders. In the bail order in Bail Application No.129/2011 (60 liters of liquor) the reasoning given was as under:-

> "After hearing arguments of both the parties, Criminal Case No.1685/11 Filed before Chief Judicial Magistrate was perused. On perusal, it is clear that on 25.07.2011, challan has been filed against both the Applicants/Accused in violation of Section 34(2) of M.P. Excise Act, and possibility of consuming time in it's trial cannot be overruled. In view of the nature of crime, allegations, and without commenting on the merits of evidences collected in the present case i.e. Crime No. 232/11, and by placing reliance on the said case laws, where trial is likely to take time, and Applicant/Accused are theirselves [sic] being permanent resident, there is no flight risk or tempering evidences on their part, thereupon, it appears justifiable to grant benefit of bail to these Applicants/ Accused Persons. Due to this reason, the present Bail Application u/s 439 Cr.P.C. is hereby allowed."

13. Similarly, in other orders, reasons like filing of challan, the applicants being rural farmers with no flight risk were mentioned. There was no express reference to the twin conditions under Section 59-A(2) of the Excise Act.

14. At the inquiry, the complainant Jaipal Mehta was not examined. Instead the executive clerk of ADJ, Khargone Court, Gendalal Chauhan was examined as witness No.1, in

support of the charge. The witness marked all the exhibits and categorically deposed as under which actually was in favour of the appellant :-

> "It is correct to say that while passing orders, Anil Joshi was posted as Steno in the Court of First Additional Sessions Judge. He is posted in Khargone since last 7-8 years, whom I know due to being my colleague. I never seen Anil (sic) asking anyone that he has good relations with Suliya Sahab and I will get done the work by doing setting. None of the Advocates has told me that Anil Joshi has setting with Suliya Sahab."

15. The appellant in defense examined the prosecutor K.P. Tripathi who appeared in all the 18 bail applications which were subject matter of the charge. He deposed as under:-

> "I did not feel that the double standard has been adopted by the Court. If it would happen, then, I would give my opinion to the State for taking action in Hon'ble High Court. In Exh. P-19, only one Crime i.e. Crime No.102/12 is registered against Accused Pappu in P.S. Oon. Moreover, as per my knowledge, no other crime is registered against this accused. Because in Police Report, there is no mention of registration of any other crime against him. I find the functioning of Court to be completely impartial."
>
> .....

"That, three Bail Applications of Excise Act have been allowed, and out of the said Applications, 15 Applications have been rejected. In my opinion, in the cases of Bail marked as Exh. P-1, P-2 and P-4, those orders of allowing bail application which have been passed in view of the facts and circumstances of respective cases, nature of crime, and in pursuance of the case laws of Hon'ble High Court and Supreme Court, those orders are completely based on merits and are relevant and true as per law. Those 15 Bail Applications which have been rejected by the Ld. Trial Court, out of those cases, in the orders marked as Exh. P-9, Exh. P-12, Exh. P-13, Exh. P-17 and Exh. P-18, the case was at the initial stage of investigation."

.....

"Note: Question by Enquiry Officer:-

Question: The bail orders, in which bail applications have been allowed, whether those orders according to your goodself or in the opinion of Public Prosecutor, are proper or improper? What you say in this regard.

Answer: In my opinion i.e. in the capacity of Public Prosecutor, the orders of granting bail were absolutely proper and on proper grounds."

16. Notwithstanding the above evidence the inquiry officer held "Charge-I", proved by recording the following findings:-

"Therefore, on the basis of aforesaid analysis, as a final conclusion, it is proved in favour of the Department that Delinquent Officer Sh. N.S. Suliya in the capacity of Additional Sessions Judge, not being impartial in the

disposal of Bail Applications for the offences of Section 34(2), 49-A of the Excise Act, and with oblique motive and by deliberately violating the mandatory provisions of Section 59-A of the aforesaid Act, has committed misconduct by allowing some Bail Application Nos. 129/11, 136/11, 123/12, 122/12 and by rejecting some bail Applications by applying double standards in malafide and arbitrary manner, who has violated Rule 3 of the M.P. Civil Services (Conduct) Rules, 196, which is punishable under Rule 10 of the M.P. Civil Services (Classification, Control & Appeal) Rules, 1966."

17. On 21.03.2014, a copy of the inquiry report was furnished to the appellant and he was asked to show cause on the punishment. The appellant filed a detailed reply by his letter dated 10.04.2014.

18. On 02.09.2014, on the recommendation of the High Court of Madhya Pradesh, order was passed by the Principal Secretary, Government of M.P., Law & Legislative Affairs Department, removing the appellant from service. A representation/appeal filed against the said order was rejected on 17.03.2016.

19. The appellant filed a writ petition before the High Court of Madhya Pradesh at Jabalpur (Writ Petition No.8623/2016) challenging the order of removal and the order of the

appellate authority and prayed for reinstatement with consequential benefits.

20. By the impugned order dated 25.07.2024, the High Court has dismissed the Writ Petition by recording the following finding:-

> "If the principles laid down by the Supreme Court, in the case referred to herein above, are taken note of, then a reasonable finding arrived at by the Inquiring Authority in the present case based on material available on record can neither be interfered with by this Court nor can it termed as perverse or unreasonable to such an extent that interference can be made by this Court.
>
> Considering the material available in the present case, it is apparent that the petitioner was holding the post of Additional Sessions Judge with which comes a great responsibility and he was under obligation to conduct himself in a manner befitting the post held by him. He was under duty to conduct the proceedings of bail applications in conformity with the provisions of law. He extended the benefit of bail to some applicants relying on the pronouncement of High Court and refused to grant bail to others without considering those pronouncements. No violation of principles of natural justice or error is found in the procedure followed in the enquiry in the present case. In the absence of any procedural illegality, irregularity in the conduct of departmental enquiry, in the considered opinion of this Court, no interference is warranted and after considering the over all material available in the record and in view of the settled position of law, we do not find any reason to interfere in the order of punishment/removal

dated 02.09.2014 and the order of rejection of appeal on 17.03.2016 and accordingly, the writ petition is dismissed."

21. Aggrieved, the appellant is before us.

22. We have heard Mr. Dama Seshadri Naidu, learned senior counsel assisted by Mr. Kanu Agarwal, learned counsel for the appellant and Mr. Arjun Garg, learned counsel for the respondent no. 2, the High Court of Madhya Pradesh, who ably presented the case of the said respondent. We have perused the records, including the written submissions and the compilation of case law filed by the parties.

CONTENTIONS OF THE APPELLANT: -

23. Learned senior counsel for the appellant contends that the allegations were directly against Anil Joshi – the Stenographer; that neither the complainant – Jaipal Mehta nor the Stenographer was produced as witnesses during the Departmental Inquiry and that the bail orders which were subject matter of the inquiry were passed on valid grounds. Even in the case of special statute *"bail is the rule and jail is the exception";* that the Inquiry Officer has examined the legality

and propriety of the orders of bail acting as an Appellate Authority. That the departmental witness Gendalal Chauhan and the public prosecutor in their deposition did not support the charge and finally it was contended that merely because on a given set of facts, a different conclusion is possible, is no ground to indict a Judicial Officer. It was further submitted that wrong exercise of jurisdiction or mistake of law or wrong interpretation of law cannot be the basis for initiating disciplinary proceedings.

CONTENTIONS OF RESPONDENT NO.2 – THE HIGH COURT OF MADHYA PRADESH:-

24. The learned Counsel for the respondent no. 2 - the High Court of Madhya Pradesh submitted that the procedure for Inquiry has been duly followed; that the consistent view of this Court has been that the Court will not function as an Appellate Court over the Inquiry report and the only consideration was whether the Inquiry had been fairly conducted after giving due opportunity to the delinquent. It was further submitted that Section 59-A (2) of the Excise Act was not even referred to

in the bail orders in question, while in the other bail orders it was mentioned while rejecting bail. The learned counsel submitted that the Inquiry Officer has come to the conclusion that the conduct of the appellant was not impartial and the appellant violated the mandate of Section 59-A and applied double standards in a *mala fide* and arbitrary manner. It was submitted that a judicial officer is required to maintain a very high standard of devotion to duty. So contending, it was pleaded that the impugned order did not call for any interference.

QUESTIONS FOR CONSIDERATION: -

25. The questions for consideration are whether the order removing the appellant from service based on the inquiry report is justified in law and whether any good ground has been made out for interference?

ANALYSIS AND CONCLUSION: -

26. The present is the case of a Disciplinary Inquiry against the senior Judicial Officer. Before we set out the parameters laid down by this Court as to in what circumstances a Judicial

Officer can be subjected to penalty in the discharge of his duties, it is apposite to make certain preliminary observations.

27. A fearless judge is the bedrock of an independent judiciary, as much as an independent judiciary itself is the foundation on which rule of law rests. A judicial Officer is tasked with the onerous duty of deciding cases. Invariably one party to the case would lose and go back unhappy. Disgruntled elements amongst them, wanting to settle scores may raise frivolous allegations. The Trial Judiciary also has tremendous work pressure and works under trying working conditions. Large number of cases are listed in a day and most of the Judicial Officers give their very best while discharging their duties.

28. Instances have also emerged from different parts of the country, where not just disgruntled parties but some mischievous elements in the Bar have also resorted to intimidatory tactics against the members of the Trial Judiciary by engineering false and anonymous complaints. Strict and

strong action in accordance with law should be taken against such individuals filing a false and frivolous complaint against a judicial officer and/or if found to be engineering the false and frivolous complaints. Such proceedings would include in appropriate cases, proceedings for contempt of court. In case the person filing or engineering false and frivolous complaints is a recalcitrant member of the Bar, apart from proceedings for contempt of court, reference to the bar council should be made for disciplinary action. Bar councils, on receipt of such references, have to dispose of the matter expeditiously.

29. Equally, if the complaint of misconduct against the judicial officer is *prima facie* found to be true, prompt action to initiate disciplinary proceeding should be taken and no leniency should be shown if the charges are established. Not only this, in appropriate cases where criminal prosecution is warranted against a judicial officer, the High Court should not hesitate to have the same initiated. That is the only way to weed out black-sheeps sullying the fair name of the judiciary. Due care and caution must be exercised by the High Court in

initiating such proceedings. It should be ensured that only because an order is wrong or there is an error of judgment, without anything more, a judicial officer is not put through the ordeal of a disciplinary proceeding or a prosecution.

30. It is trite to recall the observations of this Court in ***Sadhna Chaudhary v. State of U.P and Another.***[1]:-

> **"20.** We are also not oblivious to the fact that mere suspicion cannot constitute "misconduct". Any "probability" of misconduct needs to be supported with oral or documentary material, even though, the standard of proof would obviously not be on a par with that in a criminal trial. While applying these yardsticks, the High Court is expected to consider the existence of differing standards and approaches amongst different Judges. There are innumerable instances of judicial officers who are liberal in granting bail, awarding compensation under MACT or for acquired land, back wages to workmen or mandatory compensation in other cases of tortious liabilities. **Such relief-oriented judicial approaches cannot by themselves be grounds to cast aspersions on the honesty and integrity of an officer.**
>
> **21. Furthermore, one cannot overlook the reality of ours being a country, wherein countless complainants are readily available without hesitation to tarnish the image of the judiciary, often for mere pennies or even cheap momentary popularity. Sometimes, a few disgruntled members of the Bar also join hands with them, and the officers of the subordinate judiciary are usually the easiest target. It is, therefore, the duty of the High Courts**

[1] (2020) 11 SCC 760

to extend their protective umbrella and ensure that the upright and straightforward judicial officers are not subjected to unmerited onslaught.

26. We can find no fault in the proposition that the end result of adjudication does not matter, and only whether the delinquent officer had taken illegal gratification (monetary or otherwise) or had been swayed by extraneous considerations while conducting the process is of relevance. Indeed, many-a-times it is possible that a judicial officer can indulge in conduct unbecoming of his office whilst at the same time giving an order, the result of which is legally sound. Such unbecoming conduct can either be in the form of a Judge taking a case out of turn, delaying hearings through adjournments, seeking bribes to give parties their legal dues, etc. None of these necessarily need to affect the outcome. However, importantly in the present case, a perusal of the charge-sheet shows that no such allegation of the process having been vitiated has been made against the appellant."

(Emphasis supplied)

31. In ***Abhay Jain*** vs. ***High Court of Rajasthan***[2], this Court quoted with approval the observations in ***Sadhna Chaudhary*** (*supra*).

32. When false allegations fly thick and fast, the judicial officers cannot react. Here is where the High Court which is vested with the supervisory control has to exercise great

[2] (2022) 13 SCC 1

caution and circumspection. As to what the parameters are, when the High Court on the Administrative side is faced with such a scenario, has been felicitously set out by Chief Justice D.Y. Chandrachud J. speaking for the Court in ***R.R. Parekh*** v. ***High Court of Gujarat and Another***[3] as under: -

> **"16.** The issue of whether a judicial officer has been actuated by an oblique motive or corrupt practice has to be determined upon a careful appraisal of the material on the record. Direct evidence of corruption may not always be forthcoming in every case involving a misconduct of this nature. A wanton breach of the governing principles of law or procedure may well be indicative in a given case of a motivated, if not reckless disregard of legal principle. In the absence of a cogent explanation to the contrary, it is for the disciplinary authority to determine whether a pattern has emerged on the basis of which an inference that the judicial officer was actuated by extraneous considerations can be drawn. Cases involving misdemeanours of a judicial officer have to be dealt with sensitivity and care. A robust common sense must guide the disciplinary authority. At one end of the spectrum are those cases where direct evidence of a misdemeanour is available. Evidence in regard to the existence of an incriminating trail must be carefully scrutinised to determine whether an act of misconduct is established on the basis of legally acceptable evidence. Yet in other cases, direct evidence of a decision being actuated by a corrupt motive may not be available. The issue which arises in such cases is whether there are circumstances from which an inference that extraneous considerations have actuated a judicial officer can legitimately be drawn. Such

[3] (2016) 14 SCC 1

an inference cannot obviously be drawn merely from a hypothesis that a decision is erroneous. **A wrong decision can yet be a bona fide error of judgment. Inadvertence is consistent with an honest error of judgment. A charge of misconduct against a judicial officer must be distinguished from a purely erroneous decision whether on law or on fact. The legality of a judicial determination is subject to such remedies as are provided in law for testing the correctness of the determination. It is not the correctness of the verdict but the conduct of the officer which is in question. The disciplinary authority has to determine whether there has emerged from the record one or more circumstances that indicate that the decision which forms the basis of the charge of misconduct was not an honest exercise of judicial power.** The circumstances let into evidence to establish misconduct have to be sifted and evaluated with caution. The threat of disciplinary proceedings must not demotivate the honest and independent officer. Yet on the other hand, there is a vital element of accountability to society involved in dealing with cases of misconduct. There is on the one hand a genuine public interest in protecting fearless and honest officers of the District Judiciary from motivated criticism and attack. Equally there is a genuine public interest in holding a person who is guilty of wrongdoing, responsible for his or her actions. Neither aspect of public interest can be ignored. Both are vital to the preservation of the integrity of the administration of justice."

(Emphasis supplied)

33. As held in ***R.R. Parekh (supra)***, it should be borne-in-mind that inference of misconduct or about extraneous considerations having actuated, the decision cannot be drawn

merely from a hypothesis that a decision is erroneous. It has been held that a wrong decision can yet be a bona fide error of judgment and inadvertence is consistent with an honest error of judgment. Ultimately, it is not the correctness of the verdict but the conduct of the Officer in question which is determinative.

34. It is apposite to recall the observations of this Court in ***Union of India and Others*** vs. ***K.K. Dhawan***[4], which has been followed in ***P.C. Joshi*** v. ***State of U.P. and Others***[5]. This Court in ***K.K. Dhawan*** (*supra*)**,** while illustrating certain cases for which disciplinary action can be initiated, took care to administer a note of caution also. In ***K.K. Dhawan*** (*supra*), this Court held:-

> **"28.** Certainly, therefore, the officer who exercises judicial or quasi-judicial powers acts negligently or recklessly or in order to confer undue favour on a person is *not acting as a Judge*. Accordingly, the contention of the respondent has to be rejected. It is important to bear in mind that in the present case, we are not concerned with the correctness or legality of the decision of the respondent *but the conduct of the respondent in discharge of his duties as an officer*. The

[4] (1993) 2 SCC 56
[5] (2001) 6 SCC 491

legality of the orders with reference to the nine assessments may be questioned in appeal or revision under the Act. But we have no doubt in our mind that the Government is not precluded from taking the disciplinary action for violation of the Conduct Rules. Thus, we conclude that the disciplinary action can be taken in the following cases:

(*i*) Where the officer had acted in a manner as would reflect on his reputation for integrity or good faith or devotion to duty;

(*ii*) if there is prima facie material to show recklessness or misconduct in the discharge of his duty;

(*iii*) if he has acted in a manner which is unbecoming of a Government servant;

(*iv*) if he had acted negligently or that he omitted the prescribed conditions which are essential for the exercise of the statutory powers;

(*v*) if he had acted in order to unduly favour a party;

(*vi*) if he had been actuated by corrupt motive, however small the bribe may be because Lord Coke said long ago "though the bribe may be small, yet the fault is great".

29. The instances above catalogued are not exhaustive. However, we may add that for a mere technical violation or merely because the order is wrong and the action not falling under the above enumerated instances, disciplinary action is not warranted. Here, we may utter a word of caution. Each case will depend upon the facts and no absolute rule can be postulated."

35. This Court held that merely because the order is wrong, disciplinary action is not warranted and that each case will

depend upon the facts and no absolute rule can be postulated. What is significant to notice is that even though in the illustrated case [para 28 (iv)] ***K.K. Dhawan*** (*supra*), cases of omission of prescribed conditions which are essential for the exercise of statutory powers may in a given case furnish a ground for disciplinary enquiry, it is not an absolute rule and each case will depend upon the facts. As observed in ***R.R. Parekh*** (*supra*), the Disciplinary Authority has to examine whether there has emerged from the record, one or more circumstances that indicate that the decision which forms the basis of the charge of misconduct was not an honest exercise of judicial power.

36. In ***Ishwar Chand Jain*** v. ***High Court of Punjab and Haryana and Another***[6], this Court highlighted how the functioning of the Trial Judiciary would be seriously impacted and fearless discharge of duties would become a casualty, if inquiries are launched on ill-conceived or motivated

[6] (1988) 3 SCC 370

complaints. This Court in ***Ishwar Chand Jain*** (*supra*) held as under:-

> **"14. Under the Constitution the High Court has control over the subordinate judiciary. While exercising that control it is under a constitutional obligation to guide and protect judicial officers. An honest strict judicial officer is likely to have adversaries in the mofussil courts. If complaints are entertained on trifling matters relating to judicial orders which may have been upheld by the High Court on the judicial side no judicial officer would feel protected and it would be difficult for him to discharge his duties in an honest and independent manner. An independent and honest judiciary is a sine qua non for rule of law. If judicial officers are under constant threat of complaint and enquiry on trifling matters and if High Court encourages anonymous complaints to hold the field the subordinate judiciary will not be able to administer justice in an independent and honest manner. It is therefore imperative that the High Court should also take steps to protect its honest officers by ignoring ill-conceived or motivated complaints made by the unscrupulous lawyers and litigants**. Having regard to facts and circumstances of the instant case we have no doubt in our mind that the resolution passed by the Bar Association against the appellant was wholly unjustified and the complaints made by Shri Mehlawat and others were motivated which did not deserve any credit. Even the vigilance Judge after holding enquiry did not record any finding that the appellant was guilty of any corrupt motive or that he had not acted judicially. All that was said against him was that he had acted improperly in granting adjournments."
>
> [Emphasis supplied]

37. Similar sentiments were expressed in ***Ramesh Chander Singh*** v. ***High Court of Allahabad and Another***[7], wherein this Court held as under:-

> **"12. This Court on several occasions has disapproved the practice of initiation of disciplinary proceedings against officers of the subordinate judiciary merely because the judgments/orders passed by them are wrong. The appellate and revisional courts have been established and given powers to set aside such orders. The higher courts after hearing the appeal may modify or set aside erroneous judgments of the lower courts. While taking disciplinary action based on judicial orders, the High Court must take extra care and caution.**
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> **17. In *Zunjarrao Bhikaji Nagarkar* v. *Union of India* [(1999) 7 SCC 409 : 1999 SCC (L&S) 1299 : AIR 1999 SC 2881] this Court held that wrong exercise of jurisdiction by a quasi-judicial authority or mistake of law or wrong interpretation of law cannot be the basis for initiating disciplinary proceeding. Of course, if the judicial officer conducted in a manner as would reflect on his reputation or integrity or good faith or there is a prima facie material to show recklessness or misconduct in discharge of his duties or he had acted in a manner to unduly favour a party or had passed an order actuated by corrupt motive, the High Court by virtue of its power under Article 235 of the Constitution may exercise its supervisory jurisdiction. Nevertheless, under such circumstances it should be kept in mind that the Judges at all levels have to administer justice without fear or favour. Fearlessness and maintenance of judicial independence are very essential for an efficacious judicial system. Making**

[7] (2007) 4 SCC 247

adverse comments against subordinate judicial officers and subjecting them to severe disciplinary proceedings would ultimately harm the judicial system at the grassroot level."

38. Highlighting various options available before the High Court to deal with judicial officers and the need for clearly establishing misconduct and extraneous influences or illegal gratification before resorting to disciplinary measures, this Court in ***Krishna Prasad Verma*** **v.** ***State of Bihar and Others***[8]**,** had the following to say:-

"16. We would, however, like to make it clear that we are in no manner indicating that if a judicial officer passes a wrong order, then no action is to be taken. In case a judicial officer passes orders which are against settled legal norms but there is no allegation of any extraneous influences leading to the passing of such orders then the appropriate action which the High Court should take is to record such material on the administrative side and place it on the service record of the judicial officer concerned. These matters can be taken into consideration while considering career progression of the judicial officer concerned. Once note of the wrong order is taken and they form part of the service record these can be taken into consideration to deny selection grade, promotion, etc., and in case there is a continuous flow of wrong or illegal orders then the proper action would be to compulsorily retire the judicial officer, in accordance with the Rules. **We again reiterate that unless there are clear-cut allegations of misconduct, extraneous influences, gratification of any**

[8] (2019) 10 SCC 640

kind, etc., disciplinary proceedings should not be initiated merely on the basis that a wrong order has been passed by the judicial officer or merely on the ground that the judicial order is incorrect."

[Emphasis supplied]

39. That merely because a different conclusion was possible is not an indicium for misconduct was highlighted in ***P.C. Joshi*** (*supra*).

"**7.** In the present case, though elaborate enquiry has been conducted by the enquiry officer, there is hardly any material worth the name forthcoming except to scrutinize each one of the orders made by the appellant on the judicial side to arrive at a different conclusion. That there was possibility on a given set of facts to arrive at a different conclusion is no ground to indict a judicial officer for taking one view and that too for alleged misconduct for that reason alone. **The enquiry officer has not found any other material, which would reflect on his reputation or integrity or good faith or devotion to duty or that he has been actuated by any corrupt motive. At best, he may say that the view taken by the appellant is not proper or correct and not attribute any motive to him which is for extraneous consideration that he had acted in that manner. If in every case where an order of a subordinate court is found to be faulty a disciplinary action were to be initiated, the confidence of the subordinate judiciary will be shaken and the officers will be in constant fear of writing a judgment so as not to face a disciplinary enquiry and thus judicial officers cannot act independently or fearlessly. Indeed the words of caution are given in *K.K. Dhawan case* [(1993) 2 SCC 56 : 1993 SCC (L&S) 325 : (1993) 24 ATC 1] and *A.N. Saxena case* [(1992) 3 SCC 124 : 1992 SCC (L&S) 861 : (1992) 21 ATC 670] that merely because the order is wrong or the**

action taken could have been different does not warrant initiation of disciplinary proceedings against the judicial officer. In spite of such caution, it is unfortunate that the High Court has chosen to initiate disciplinary proceedings against the appellant in this case."

40. Applying the above principles to the facts of the present case, we find that the appellant has been held guilty of misconduct only based on certain judicial orders granting bail without anything more. We say so for the following reasons:-

(i) The complaint, as originally filed by Jaipal Mehta, was primarily against Anil Joshi, the stenographer who has been working in Khargone for a long time even before the appellant assumed office in Khargone.

(ii) The complaint neither set out any particulars nor set out any judicial order. It was general in nature.

(iii) The complainant was not examined in the inquiry. The witnesses examined in support of the charge Gendalal Chauhan did not support the charge.

(iv) The prosecutor who appeared in each of the 18 bail orders was examined on behalf of the defence and even

he deposed that the State accepted the orders granting bail without mounting any challenge in the higher court. He categorically deposed that the orders were absolutely proper and were passed on proper grounds.

(v) A perusal of the four orders show that reasons have been given, though there is no express mention Section 59-A (2) of the Excise Act. In one bail order, the appellant mentions about the filing of the challan and the possibility of the trial consuming lot of time. In fact, in the said order, the appellant has relied on Article 21 though he has not expressly mentioned the same. In the other bail orders, he mentions about the applicants being rural farmers and not being a flight risk and so on.

(vi) There is absolutely no material placed on record to show that there are circumstances from which inference could be drawn that extraneous considerations actuated the passing of those orders of bail. The hypothesis was drawn only on the basis that the order did not make reference to the statutory provision expressly.

(vii) The finding that in 14 other orders he referred to Section 59-A (2) of the Excise Act is by itself not enough to infer misconduct in the passing of the four bail orders in question.

(viii) It will be a dangerous proposition to hold that judgments and orders which do not refer expressly to statutory provisions are per se dis-honest judgments.

41. The High Court has erred in not interfering with the order. A valiant attempt was made by Mr. Arjun Garg to sustain the impugned order by contending that a writ court or this Court cannot act as an appellate court over the inquiry report and the only consideration was whether the inquiry had been fairly conducted. We are unable to accept the said contention. In our opinion, for the reasons stated above, the findings in the inquiry report are perverse and are not supported by the evidence on record. We make bold to record a finding that on the available material, no reasonable person would have reached the conclusion that enquiry officer reached.

42. In ***Yoginath D. Bagde*** v. ***State of Maharashtra and Another***[9], Saghir Ahmad, J. lucidly explained the principle thus:-

> **"51.** It was lastly contended by Mr Harish N. Salve that this Court cannot reappraise the evidence which has already been scrutinised by the enquiry officer as also by the Disciplinary Committee. It is contended that the High Court or this Court cannot, in exercise of its jurisdiction under Article 226 or Article 32 of the Constitution, act as the appellate authority in the domestic enquiry or trial and it is not open to this Court to reappraise the evidence. The proposition as put forward by Mr Salve is in very broad terms and cannot be accepted. **The law is well settled that if the findings are perverse and are not supported by evidence on record or the findings recorded at the domestic trial are such to which no reasonable person would have reached, it would be open to the High Court as also to this Court to interfere in the matter. In *Kuldeep Singh* v. *Commr. of Police* [(1999) 2 SCC 10 : 1999 SCC (L&S) 429 : JT (1998) 8 SC 603] this Court, relying upon the earlier decisions in *Nand Kishore Prasad* v. *State of Bihar* [(1978) 3 SCC 366 : 1978 SCC (L&S) 458 : AIR 1978 SC 1277 : (1978) 3 SCR 708] , *State of Andhra Pradesh* v. *Rama Rao* [AIR 1963 SC 1723 : (1964) 3 SCR 25] , *Central Bank of India Ltd.* v. *Prakash Chand Jain* [AIR 1969 SC 983 : (1969) 2 LLJ 377] , *Bharat Iron Works* v. *Bhagubhai Balubhai Patel* [(1976) 1 SCC 518 : 1976 SCC (L&S) 92 : AIR 1976 SC 98 : (1976) 2 SCR 280] as also *Rajinder Kumar Kindra* v. *Delhi Admn.* [(1984) 4 SCC 635 : 1985 SCC (L&S) 131 : AIR 1984 SC 1805 : (1985) 1 SCR 866] laid down that although the court cannot sit in appeal over the findings recorded by the disciplinary**

[9] (1999) 7 SCC 739

> **authority or the enquiry officer in a departmental enquiry, it does not mean that in no circumstance can the court interfere. It was observed that the power of judicial review available to a High Court as also to this Court under the Constitution takes in its stride the domestic enquiry as well and the courts can interfere with the conclusions reached therein if there was no evidence to support the findings or the findings recorded were such as could not have been reached by an ordinary prudent man or the findings were perverse."**
>
> (Emphasis supplied)

43. For the above reasons, the appeal is allowed. The order of removal dated 02.09.2015, the order of Appellate Authority dated 17.03.2016 and the impugned order of the High Court are all set aside. The appellant shall be deemed to have continued in service till he attained the normal age of superannuation. Since the appellant has been kept out of service for no fault of his, we are of the opinion that full back wages with all consequential benefits should be given to the appellant. Let the monetary benefits be released within a period of eight weeks from today with interest @ 6 per cent. No order as to costs.

44. Let a copy of this judgment be transmitted to all the Registrar Generals of the respective High Courts in the country, so as to enable them to draw the attention of the Chief Justices of the High Courts to the same.

.....J.
[**J . B. PARDIWALA**]

.....J.
[**K. V. VISWANATHAN**]

New Delhi;
5th January, 2026

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 40 OF 2026
(ARISING OUT OF SLP (C) NO. 24570 OF 2024)

NIRBHAY SINGH SULIYA .....APPELLANT(S)

VERSUS

STATE OF MADHYA PRADESH AND ANR. .....RESPONDENT(S)

J U D G M E N T

J.B. PARDIWALA, J.

1. My esteemed brother Justice K.V. Viswanathan has penned an ineffable judgment. This judgment will go a long way in protecting judicial officers of the district judiciary from being subjected to departmental action for alleged wrong or incorrect exercise of discretion in passing orders of bail without anything more. Brother Viswanathan has put it very pithily, saying that if the complaint of misconduct against the judicial officer is

prima facie found to be true then, in such circumstances, disciplinary proceedings must be taken, and no leniency should be shown if the charges are established. In an appropriate case, even criminal prosecution may be instituted against a judicial officer. Such action is necessary to weed out tainted judges from the judiciary. It goes without saying that corruption in the judiciary at any level is intolerable, as corruption severely undermines the core of the administration of justice and erodes public trust in the rule of law. However, the High Court, which is vested with the supervisory control must keep in mind that a judicial officer of the district judiciary works mostly in a charged atmosphere. A mere wrong order or wrong exercise of discretion in grant of bail by itself without anything more, cannot be a ground to initiate departmental proceedings.

2. Initiation of departmental proceedings on mere suspicion is one of the primary causes why trial court judges are reluctant when it comes to exercising discretion for the purpose of grant of bail. It should not happen that because

of the lurking fear in the mind of a trial court judge, of some administrative action being taken that even in a deserving case, well within the principles of law, bail is declined. This is one reason why the High Courts are flooded with bail applications. The same is the scenario even so far as the Supreme Court is concerned. Over a period of time, the trial court judges have exhibited tendency to shirk from their solemn judicial function and responsibility when it comes to exercising discretion in matters relating to bail. Courts of the district judiciary wield powers necessary for the functioning of the justice delivery system in India and when their autonomy is compromised by higher courts and fear takes precedence over judicial duties, democracy and the rule of law suffer.

3. For functioning of democracy, an independent judiciary to dispense justice without fear and favour is paramount. As held by this Court in ***M.S. Bindra versus Union*** reported in ***(1998) 7 SCC 310*** while evaluating the materials the authority should not altogether ignore the reputation in which the officer was held till recently. The maxim "*Nemo*

Firut Repente Turpissimus" (no one becomes dishonest all of a sudden) is not unexceptional but still is a salutary guideline to judge human conduct, particularly in the field of Administrative Law. The authorities should not keep the eyes totally closed towards the overall estimation in which the delinquent officer was held in the recent past by those who were supervising him earlier. To dunk an officer into the puddle of "doubtful integrity" it is not enough that the doubt fringes on a mere hunch. That doubt should be of such a nature as would reasonably and consciously be entertainable by a reasonable man on the given material. Mere possibility is hardly sufficient to assume that it would have happened. There must be preponderance of probability for the reasonable man to entertain doubt regarding that possibility. Only then there is justification to ram an officer with the label 'doubtful integrity'.

.....J.
(J.B. PARDIWALA)

NEW DELHI:
5TH JANUARY 2026.