

order dated 06.02.2012 passed by the revisional authority rejecting the memorial petition.

3. The case of the appellants, as projected in the present appeal is that Respondent No. 1 – Ranjan Kumar, son of Kamta Singh, was appointed as Constable in the Jharkhand Police on 18.05.2005. While serving at Dhurki Police Station as Reserve Guard, he was granted compensatory leave for two days from the afternoon of 20.12.2007 till 23.12.2007. However, he failed to rejoin duty on 23.12.2007 and remained unauthorisedly absent thereafter.

3.1. During the said period of absence, Respondent No. 1 is alleged to have secured appointment as Constable in the State of Bihar *vide* Patna District Order No. 10524 of 2007 dated 26.12.2007 under the name Santosh Kumar, son of Kamta Sharma, by relying upon forged certificates and fabricated credentials. It is further alleged that without any information or permission, he abandoned duty from Patna District Police on 06.01.2008.

3.2. Thereafter, notice was issued to him by the Senior Superintendent of Police, Patna *vide* Memo No. 6868 dated 24.04.2008. Subsequently, the Superintendent of Police, Jehanabad caused an enquiry to be conducted through the Officer-in-Charge, Onkari Police Station, and addressed Memo No. 2512/Go dated 21.06.2008. Pursuant thereto, an enquiry was conducted and the report submitted therein disclosed that Respondent No. 1 and the said Santosh Kumar were one and same person.

3.3. Based on the aforesaid material, a memorandum of charge dated 02.09.2008 came to be issued to Respondent No. 1, to which, he submitted his written statement of defence on 29.09.2008. Upon conclusion of the departmental enquiry, Appellant No. 4, Superintendent of Police, Garhwa, passed an order dated 20.08.2010 dismissing Respondent No. 1 from service.

3.4. Aggrieved thereby, Respondent No. 1 preferred a statutory appeal before the Appellate Authority, Appellant No. 3, which came to be rejected *vide* Memo No. 806/Go dated 21.05.2011. A memorial petition thereafter preferred by Respondent No. 1 was also rejected by the revisional authority, Appellant No. 2, *vide* Memo No. 59 dated 06.02.2012.

3.5. After exhausting the departmental remedies, Respondent No. 1 filed W.P (S) No. 1128 of 2012 before the High Court. The learned Single Judge, after hearing the parties, dismissed the writ petition by order dated 30.10.2015. Being dissatisfied, Respondent No. 1 preferred L.P.A. No. 74 of 2016, which came to be allowed by the Division Bench through the impugned judgment dated 25.08.2022. It is in the aforesaid circumstances that the appellants are before this Court with the present appeal.

4. Learned counsel for the appellants submitted that the Division Bench erred in setting aside the well-reasoned judgment passed by the learned Single Judge in the writ petition and consequentially, quashing the orders of the appellants dismissing Respondent No. 1 from service.

4.1. It was contended that the learned Single Judge had specifically held that the order of penalty was neither passed by ignoring relevant material on record nor based on no evidence. Despite such findings, the Division Bench wrongly concluded that there was no evidence to establish that Respondent No. 1 had secured appointment with Bihar Police while continuing in service under the Jharkhand Police.

4.2. Learned counsel further submitted that the charges framed against Respondent No. 1 stood duly proved on the basis of evidence adduced in the departmental proceedings, including photocopies of application forms, photographs, certificates submitted before the Bihar Police authorities, forms with photographs and certificates produced before the Garhwa Police, Jharkhand at the time of joining as well as reports obtained from the Superintendent of Police, Patna and Superintendent of Police, Jehanabad. It was urged that the High Court fell into error in observing that the enquiry report referred to in letter dated 21.06.2008 had neither been tendered in evidence nor furnished to Respondent No.1, whereas in fact the said report had been supplied to him both along with the chargesheet and the enquiry report.

4.3. It was next submitted that findings of fact recorded by the disciplinary authority ought not to be interfered with as a matter of course, particularly in the exercise of jurisdiction under Article 226 of the Constitution of India, and the Letters Patent Appeal was itself only an extension of the writ proceedings. In departmental proceedings, the applicable standard is that of preponderance of

probabilities, which, according to learned counsel, clearly stood satisfied in the present case. All statutory remedies available to Respondent No. 1 had already been exhausted.

4.4. Learned counsel pointed out that in the enquiry conducted by the Garhwa Police, it was found that Respondent No. 1 had secured appointment on 18.05.2005 as a Constable in the Jharkhand Police under the name “Ranjan Kumar”, son of Kamta Singh, resident of Village and P.O. Pitamberpur, P.S. Ghoshi, District Jehanabad, by submitting one set of certificates. Thereafter, the same individual allegedly secured appointment on 26.12.2007 as a Constable in Patna District under the name “Santosh Kumar”, son of Kamta Sharma, resident of Village Pitamberpur, P.S. Ghoshi, District Jehanabad, on the strength of a different set of certificates. In view of the serious irregularities so committed, a memorandum of charge dated 02.09.2008 was issued to Respondent No. 1, to which he submitted a written statement of defence on 29.09.2008. The Inquiry Officer thereafter submitted his report on 01.07.2010, which was followed by Respondent No.1’s written reply dated 31.07.2010. Ultimately, by order dated 20.08.2010 passed by the Superintendent of Police, Garhwa, Respondent No. 1 was dismissed from service.

4.5. Placing reliance on the decision in *State of Haryana and another v. Rattan Singh*², learned counsel submitted that in a domestic enquiry, strict and

² (1977) 2 SCC 491

technical rules of evidence under the Indian Evidence Act do not apply, and any material which is logically probative for a prudent mind is admissible.

4.6. It was urged that the misconduct proved was not of a minor nature, but involved deliberate acts of forgery and fraud for illegally drawing salary from the public exchequer. In such circumstances, the Division Bench ought to have dismissed the Letters Patent Appeal preferred by Respondent No. 1.

4.7. Learned counsel lastly submitted that even assuming that material witnesses had not been examined, the Division Bench ought at the highest to have granted liberty to the appellants to continue the enquiry from the stage of examination of witnesses and/or to hold a fresh enquiry.

4.8. It was further contended that the effect of the impugned judgment is that Respondent No.1, despite grave misconduct in securing appointments in both the Bihar and Jharkhand Police through fabricated documents and thereafter remaining unauthorisedly absent from service, has been allowed to go scot-free.

4.9. On these submissions, learned counsel prayed that the present appeal be allowed and the judgment of the Division Bench be set aside.

5. Learned counsel appearing on behalf of Respondent No. 2 submitted that the State of Bihar fully adopts and supports the submissions advanced by the appellants – State of Jharkhand and others, as the misconduct alleged against Respondent No. 1 concerns fraudulent conduct committed simultaneously against both States.

5.1. It was submitted that Respondent No. 1 – Ranjan Kumar had initially applied pursuant to the advertisement issued for recruitment to the post of Constable in the Jharkhand Police Department. Merely twelve days thereafter, in response to a separate recruitment process initiated by Bihar Police, another application was submitted in the name of Santosh Kumar seeking appointment as Constable in Bihar Police.

5.2. According to learned counsel, the photograph affixed in the Bihar Police application was that of the same individual who had applied before the Jharkhand authorities. However, the supporting certificates annexed thereto described the candidate as “Santosh Kumar”, son of Kamta Sharma, whereas in the Jharkhand records, Respondent No. 1 was reflected under a different name and parentage. This itself demonstrates deliberate impersonation and conscious use of dual identities for securing public employment.

5.3. It was further submitted that on the basis of documents furnished by Respondent No. 1, his candidature was accepted by the Jharkhand Police authorities, and he was appointed as Constable in Garhwa District on 18.05.2005. Thereafter, while posted at Dhurki Police Station as Reserve Guard, he was granted compensatory leave for two days, namely from the afternoon of 20.12.2007 till 23.12.2007. However, instead of rejoining duty, he absented himself without authorisation. Learned counsel submitted that during the said unauthorised absence, Respondent No. 1 joined Bihar Police as Constable *vide* Patna District Order No. 10524 of 2007 dated 26.12.2007 in the assumed name

of Santosh Kumar, son of Kamta Sharma, by relying upon forged and fabricated certificates. It was contended that Respondent No. 1 thus managed to secure employment in two disciplined police forces at the same time by deception.

5.4. Learned counsel further submitted that the enquiry initiated by the Superintendent of Police, Jehanabad through the Officer-in-Charge of Onkari Police Station, revealed that the same individual was functioning under two names, namely as Ranjan Kumar in Jharkhand and Santosh Kumar in Bihar. The Superintendent of Police, Jehanabad thereafter addressed Memo No. 2512/go to the Senior Superintendent of Police, Patna recording that Constable No. 1331 Santosh Kumar, son of Kamta Sharma, resident of Pitambarpur, Police Station Ghosi (Onkari), had already been serving in Jharkhand Police for about two years; that he had recently joined Bihar Police but absconded during training; and that his family members were concealing material facts regarding his whereabouts. Thus, the contemporaneous official communications clearly establish that Respondent No. 1 was indulging in fraud upon both State Governments by securing dual appointments through forged credentials and false representation.

5.5. It was next submitted that in view of grave misconduct committed by Respondent No. 1, namely cheating, forgery, misleading authorities, suspicious conduct, unauthorised absence, and obtaining simultaneous employment in two police forces, a regular departmental proceeding was initiated against him by the Jharkhand authorities. Learned counsel pointed out that along with the

memorandum of charge, all relevant documents forming the basis of the proceedings were supplied to Respondent No. 1, including recruitment advertisements, educational certificates, domicile certificate, official correspondence from Bihar authorities, enquiry reports and memoranda issued by the Senior Superintendent of Police, Jehanabad. Hence, the allegation of non-supply of documents is wholly misconceived.

5.6. It was submitted that Respondent No. 1 submitted a written statement of defence, but failed to furnish any truthful, cogent, or transparent explanation regarding the incriminating findings of the Onkari Police Station enquiry or the dual identities used by him. The Enquiry Officer, after considering the documentary evidence and defence reply, held the charges proved.

5.7. Learned counsel emphasised that a copy of the enquiry report was duly furnished to Respondent No. 1 and that he submitted a detailed representation thereto. Thus, full opportunity of defence was granted and the principles of natural justice were scrupulously complied with.

5.8. It was submitted that upon consideration of the entire record, the Superintendent of Police, Garhwa passed final order dated 20.08.2010 in Departmental Proceeding No. 48/08 dismissing Respondent No. 1 from service. The departmental appeal preferred before the Deputy Inspector General of Police was dismissed on 21.05.2011. Thereafter, the memorial petition preferred before the Director General-cum- Inspector General of Police (Revisional Authority) was also rejected by a reasoned order in February 2012.

5.9. Learned counsel further submitted that the learned Single Judge, by a detailed judgment dated 30.10.2015, rightly dismissed the writ petition after finding no infirmity in the disciplinary process. However, the Division Bench erroneously allowed the Letters Patent Appeal, *vide* impugned judgment dated 25.08.2022. According to learned counsel, the Division Bench exceeded the settled limits of judicial review by reappreciating evidence in a departmental matter despite concurrent findings of guilt recorded by the disciplinary, appellate, and revisional authorities, as affirmed by the learned Single Judge.

5.10. Considering the aforesaid grounds, learned counsel submitted that the impugned judgment of the Division Bench deserves to be set aside and the order of dismissal passed against Respondent No. 1 restored.

6. *Per contra*, learned counsel appearing on behalf of Respondent No. 1 – Ranjan Kumar, at the outset, submitted that the appellants have failed to make out any case warranting interference by this Court under Article 136 of the Constitution of India. According to the learned counsel, the impugned judgment of the Division Bench is a well-reasoned judgment passed in exercise of writ jurisdiction.

6.1. It was submitted that the entire disciplinary proceedings suffer from a fundamental defect, namely, that it is a case of no evidence. The charge against Respondent No. 1 pertained to alleged acts said to have occurred in the State of Bihar, yet not a single material witness from Bihar was examined to substantiate

the allegations. Though several witnesses were cited in the memorandum of charge, only one formal witness was examined, and none of the persons connected with the alleged appointments, records, or complaints were produced before the Enquiry Officer. In such circumstances, the findings recorded against Respondent No. 1 are wholly unsupported by legal evidence.

6.2. Learned counsel contended that mere production of documents does not amount to proof of their contents. The disciplinary authority relied upon letters and reports purportedly issued by the Superintendent of Police, Patna and Superintendent of Police, Jehanabad, but neither of the authors was examined during the enquiry. Since the makers of those documents were withheld, Respondent No. 1 was denied the valuable right of cross-examination. It was urged that reliance upon such unproved documents is contrary to settled principles of natural justice and fair procedure.

6.3. It was further submitted that the so-called enquiry report referred to by the department was nothing but a preliminary enquiry report, and punishment could not have been founded upon such material without proving the allegations in a regular departmental enquiry. To punish Respondent No. 1 solely on the basis of a preliminary fact-finding exercise, without examining the author thereof, renders the entire proceeding vitiated.

6.4. According to the learned counsel, the service conditions of Respondent No. 1 are governed by the provisions of the Jharkhand Police Manual, including Rule 828 read with Appendix 49, which contemplate a full-fledged disciplinary

process. However, the present proceedings were conducted *de hors* the prescribed procedure and reduced to a mere formality, with the conclusion predetermined.

6.5. It was argued that although strict rules of the Indian Evidence Act may not apply to departmental proceedings, the charge must nonetheless be established on the touchstone of preponderance of probabilities through cogent and reliable material. Suspicion, conjecture, or departmental assumptions cannot substitute proof. In the present case, there was no credible evidence to establish impersonation, forgery, or dual employment.

6.6. Learned counsel further submitted that there was no conceivable reason for Respondent No. 1, already serving as a constable in Jharkhand, to seek another appointment in Bihar under a false identity. The allegation itself is inherently improbable and unsupported by any independent evidence.

6.7. It was urged that the learned Single Judge, while dismissing the writ petition, failed to appreciate that the disciplinary authority had ignored relevant materials and relied upon irrelevant considerations. The Division Bench, therefore, rightly corrected the manifest illegality in the order of dismissal while allowing the Letters Patent Appeal.

6.8. Reliance was placed upon the decision of this Court in *M.V. Bijlani v. Union of India and others*³ to contend that where findings in disciplinary

³ (2006) 5 SCC 88

proceedings are based on no evidence or are perverse, judicial review under Article 226 is fully available.

6.9. Learned counsel submitted that Respondent No. 1 has consistently maintained one identity throughout. He has been recorded with the Bihar School Examination Board, Patna as “Ranjan Kumar” son of Kamta Singh. He appeared in the matriculation examination under the same name and was thereafter issued mark-sheets, school leaving certificate, character certificate, and final matriculation certificate bearing identical particulars. Even the voter identity card issued by the Election Commission of India reflected the same credentials. It was further submitted that on the basis of these genuine records, Respondent No. 1 was appointed as Constable in Garhwa District (Jharkhand). Thus, there was never any attempt to suppress identity or assume a false name. The allegation that he served as “Santosh Kumar”, son of Kamta Sharma, is wholly baseless and unsupported by evidence.

6.10. Lastly, learned counsel submitted that the respondent was dismissed from service on 20.08.2010 and more than thirteen years have elapsed. In the facts of the case, where the charge itself remains unproved, no liberty ought to be reserved for initiating any fresh departmental enquiry at this belated stage.

6.11. With the aforesaid submissions, learned counsel prayed that the impugned judgment of the Division Bench is just, legal, and equitable, and hence, this appeal deserves to be dismissed as being devoid of merit.

7. We have heard the learned counsel appearing for the respective parties at considerable length and have carefully perused the materials placed on record.

8. This Court by order dated 20.03.2023 granted stay of the operation and implementation of the impugned judgment passed by the Division Bench of the High Court.

8.1. Thereafter, by order dated 14.07.2025, this Court impleaded the Director General of Police, Bihar, as Respondent No. 2, to facilitate an effective adjudication of the controversy arising in the present proceedings.

8.2. Subsequently, by order dated 10.02.2026, this Court impleaded Santosh Kumar, Son of Kamta Sharma, resident of Village Pitambarpur, Post Pitambarpur, Police Station Ghoshi (Onkari), District Jehanabad as Respondent No. 3. By the same order, this Court directed Respondent No. 2 to conduct an enquiry regarding the identity of two persons namely, Ranjan Kumar and Santosh Kumar, who were stated to be residents of the same village and whose fathers' names were similar, namely one Kamta Singh and the other Kamta Sharma.

8.3. Pursuant thereto, Respondent No. 1, Ranjan Kumar, appeared before this Court along with his learned counsel on 17.03.2026. This Court directed Respondent No. 1 to appear before Respondent No. 2 on 23.03.2026 at 11.00 a.m. in his office, where the Superintendent of Police, Jehanabad, Bihar was also directed to remain present. This Court further directed that Respondent No. 1

shall accompany the Superintendent of Police, Jehanabad, who was to cause an enquiry to be conducted as to whether Respondent No. 1 was the same person who had worked in Patna, Bihar as well. It was additionally directed that a Special Team be constituted by the Superintendent of Police, Jehanabad, to verify whether Santosh Kumar, Respondent No. 3, was a real person and, if so, to trace and locate him, and that a report be submitted through the Director General of Police, Bihar, to this Court in a sealed cover.

8.4. In compliance with the aforesaid directions, the Director General of Police, Bihar, submitted a detailed enquiry report dated 11.04.2026. The said report is taken on record. The same shall form part of the present judgment and has been duly considered along with the entire material available on record.

9. The principal issue which falls into consideration is whether the disciplinary action taken against Respondent No. 1 Ranjan Kumar, culminating in his removal from service, suffers from any legal infirmity warranting interference in exercise of judicial review.

10. As already stated, it is the specific case of the appellants that the charges framed against Respondent No. 1 stood duly proved on the basis of the material available on record in the departmental proceedings, including photostat copies of the forms, photographs and certificates submitted before the Police Department of Bihar, as also the forms, photographs, and certificates produced before Garhwa Police, Jharkhand, at the time of joining service together with

reports obtained from the Superintendent of Police, Patna and the Superintendent of Police, Jehanabad. The learned Single Judge rightly dismissed the writ petition challenging the order of dismissal passed by the disciplinary authority, as affirmed by the Appellate Authority and the Revisional Authority. However, the Division Bench erred in setting aside the said orders by holding that there was no evidence to establish that Respondent No. 1 had secured appointment with the Bihar Police while continuing in service under the Jharkhand Police. Whereas Respondent No. 1 denied the same, by stating that there was no legally acceptable material to establish forgery, impersonation, or dual employment and therefore, the punishment of dismissal was wholly unwarranted. According to him, the Division Bench rightly interfered with the findings of the learned Single Judge and the departmental authorities.

11. For appreciating the rival contentions, it would be apposite to notice the findings concurrently recorded by the authorities below, the relevant portions of which are usefully extracted below:

Superintendent of Police, Garhwa (Disciplinary Authority)

“.... The delinquent in the query made in his defence explanation, has mentioned that all the charges framed against him are wrong but has not produced any strong evidence in his defence.

The Conducting Officer, in his opinion, has found the delinquent completely guilty for the charges framed against him.

I also perused the case file of these departmental proceedings. In the advertisement No. 1/04 of Jharkhand, Ranchi, he was appointed in Garhwa Police on dated 18.05.05, where Police (Constable) No. 659. But, at the time,

the delinquent was appointed as Reserve Guard at Kandi Police Station, on dated 20.12.07, he left on compensatory leave for two days and started remaining absent. For the charge of remaining absent, vide District order No. 1261/07, salary of the delinquent was stopped. During the period of absent of the delinquent from Garhwa District, he got an appointment as a Constable in the name of Santosh Kumar vide Patna District Order No. 10524/2007 dated 26.12.07 pursuant to the Advertisement No. 01/2004 of the State of Bihar, where Constable No. 1331 in Patna District Force was allotted. In the above said appointment, name of the delinquent is mentioned Santosh Kumar, son of Kamta Sharma, resident of Village and post office – Pitamberpur, Police Station – Goshi, District – Jahanabad. Charges framed against the delinquent are supported by the Exhibits available in the case file. Thus, the delinquent, by keeping the department in dark, committing forgery and cheating and making open violation of the Government Service Code got appointment as a Constable in Patna District Force by changing his name, which is not only the violation of Civil Service Code but can be considered as a matter of criminal case

Hence, I Richard Lakada (I.P.S.) Superintendent of Police, Garhwa, in exercise of the powers conferred under Police Manual Rule – 824 (which are approved under Section 7 of the Police Act - 05,861), find Police-659 Ranjan Kumar guilty for the above offence and dismiss him from the service.”

Deputy Inspector General of Police, Palamu Region (Appellate Authority)

*“....
I perused the charge framed against the delinquent, opinion of the Conducting Officer, explanation submitted against dismissal from service submitted by the delinquent, Final Order passed by the Superintendent of Police, Garhwa, Appeal representation received from the delinquent, para-wise comments sent with reference to the points raised in the appeal representation of the delinquent by the Superintendent of Police and other documents available in the case file. At the time, the delinquent got appointment in Garhwa Police on dated 18.05.05 pursuant to the advertisement No. 01/04 of the Police Headquarters, Jharkhand Ranchi, Garhwa District Police No. 659 was allotted to him. But at the time, he was posted in Kandi Police station, he left on two days' compensatory leave on dated 20.12.07 and started remaining absent and for the charge of being absent from duty, his salary was stopped vide Garhwa District Order No. 1261/07. During the period of his absent from duty itself, by changing his name, he got appointment in the name of Santosh Kumar on dated 26.1.07 in Patna District Force pursuant to the advertisement No. 01/04 of the State of Bihar. Constable No. 1331 was allotted to him in Patna District Force. Thus, the delinquent police, by keeping the department in dark, committing forgery and cheating, making open violation of Civil Service Code, got appointment on the post of*

Constable in Patna District Force by changing his name, which is not only the violation of Civil Service Code but can be considered a criminal matter as well. Therefore, penalty awarded to the delinquent police 659 Ranjan Kumar by the Superintendent of Police, Garhwa is appropriate.

Therefore, appeal representation received from the delinquent police 659 Ranjan Kumar is dismissed.”

Director General and Inspector General of Police, Jharkhand, Ranch (Revisional

Authority)

“...A letter was written by the Senior Superintendent of Police, Patna to the Superintendent of Police, Jehanabad to conduct an investigation during which, it was found that the same person is posted as constable in Garhwa District Force in the name of Ranjan Kumar, accordingly the Senior Superintendent of Police, Patna. The Superintendent of Police, Garhwa was informed about the fact. During the investigation in this regard by the Superintendent of Police, Garhwa, all the certificates submitted by Police Ranjan Kumar for appointment were found to be forged.

The operation of this departmental action was completed as per the prescribed procedure and on the basis of the conducting officer being found guilty of misconduct, an order of dismissal was passed against him by the Superintendent of Police, Garhwa. Against this dismissal order, an appeal was submitted by the offender to the Regional Deputy Inspector General of Police, which has been rejected. The allegation against the offender is very serious and he has been found guilty. The offender has not presented any clinching facts in his appeal representation to prove his innocence, a criminal case is also made against the offender. The dismissal order passed against the delinquent is in accordance with the seriousness of the allegation and is absolutely correct. Therefore, retaining the sentence of dismissal from the service passed by the Superintendent of Police, Garhwa in this departmental proceeding for the above serious allegation, the appeal representation of the delinquent is rejected.”

12. The disciplinary authority, upon consideration of the enquiry report, documentary exhibits, service records, appointment forms, photographs and reports obtained from the concerned authorities at Patna and Jehanabad, concluded that the charges of fraud, impersonation, forgery, cheating,

unauthorised absence from duty and violation of service discipline stood proved. A categorical finding was recorded that Respondent No. 1, while serving as a Constable in Garhwa District Police, clandestinely secured another appointment in the Bihar Police under a different identity, namely “Santosh Kumar”, by suppressing his existing employment and by using forged or manipulated documents.

12.1. The Appellate Authority independently reappraised the material available on record and concurred with the findings of guilt, holding that the punishment of dismissal was commensurate with the gravity of the misconduct.

12.2. The Revisional Authority also affirmed the same, recording that the departmental proceedings had been conducted in accordance with the prescribed procedure, that the allegations were of a grave nature affecting the integrity of the police force, and that Respondent No. 1 had failed to place any convincing material to establish his innocence.

12.3. Thus, the findings recorded by all three authorities were concurrent findings of fact founded on relevant material produced during the enquiry and cannot be characterised as conjectural or based on no evidence.

13. The gravamen of the charge against Respondent No. 1 is not a mere procedural lapse or unauthorised absence simpliciter. The allegations concern a deliberate and premeditated fraud upon two State police forces, namely the States of Jharkhand and Bihar, by securing or attempting to secure public

employment under two different names with inconsistent parentage particulars, supported by fabricated or manipulated documents.

14. The record reveals that Respondent No. 1 first applied for recruitment in the Jharkhand Police and thereafter submitted another application for appointment in the Bihar Police under the name “Santosh Kumar”. The contemporaneous material indicates that the photograph used in both applications was of the same person. It further appears that while serving in the Jharkhand Police, he absented himself from duty and joined the Bihar Police under the alternate identity.

15. Most significantly, pursuant to the directions of this Court, an independent enquiry was conducted by the Bihar Police authorities. The report dated 11.04.2026 submitted through the Director General of Police, Bihar, indicates that forensic comparison of fingerprints, biometric records, and photographs established that “Ranjan Kumar” and “Santosh Kumar” were one and the same person. Genealogical records and electoral rolls further suggested that the variance in the father’s name and surname formed part of a manipulated identity trail rather than proof of separate persons.

16. The aforesaid report is founded on objective scientific material, including fingerprint examination and photographic comparison. Such material substantially dislodges the defence of mistaken identity or absence of proof that sought to be projected by Respondent No. 1.

17. It is well settled that a member of the police force is expected to maintain the highest degree of integrity, honesty and discipline. Fraud at the threshold of entry into service strikes at the very root of public employment. In the present case, the material available goes far beyond mere suspicion and reasonably establishes a conscious course of deceit adopted by Respondent No. 1 for obtaining employment benefits from two sovereign employers in a disciplined force.

18. The submission that some witnesses were not examined, or certain documents were not formally proved does not advance the case of Respondent No. 1. Departmental enquiries are not criminal trials. So long as a fair opportunity is afforded and the conclusion is based on relevant material having probative value, the Court would not interfere. In the present matter, Respondent No. 1 was served with a charge memorandum, furnished with the materials relied upon, permitted to submit his defence, supplied with the enquiry report and heard at every departmental stage.

19. The law is settled that the findings of fact recorded by the disciplinary authority are not to be interfered with by the Court as a matter of course, particularly while exercising jurisdiction under Article 226 of the Constitution of India. In departmental proceedings, the standard of proof is one of preponderance of probabilities. Where the material on record reasonably supports the departmental case, the High Court would not reappreciate the evidence as if sitting in appeal. In this regard, reference may be made to the decision of this Court in ***Union of India and others v. Subrata Nath, in Civil Appeal Nos. 7939- 7940 of 2022 decided on 22.11.2022***, wherein the limits of judicial review in service disciplinary matters have been authoritatively reiterated. The following paragraphs are pertinent:

“15. It is well settled that courts ought to refrain from interfering with findings of facts recorded in a departmental inquiry except in circumstances where such findings are patently perverse or grossly incompatible with the evidence on record, based on no evidence. However, if principles of natural justice have been violated or the statutory regulations have not been adhered to or there are malafides attributable to the Disciplinary Authority, then the courts can certainly interfere.

16. In the above context, following are the observations made by a three-Judge Bench of this Court in *B.C. Chaturvedi (supra)*:

“12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical

rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappraise the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappraise the evidence or the nature of punishment. In a disciplinary inquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In Union of India v. H.C. Goel (1964) 4 SCR 718 this Court held at p. 728 that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued.

xxx xxx xxx

xxx xxx xxx

18. A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof.”

[Emphasis laid]

17. *In State Bank of Bikaner and Jaipur v. Nemi Chand Nalwaya* (2011) 4 SCC 584, a two Judge Bench of this Court held as below :

“7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations. (Vide *B.C. Chaturvedi v. Union of India* (1995) 6 SCC 749, *Union of India v. G. Ganayutham* (1997) 7 SCC 463, *Bank of India v. Degala Suryanarayana* (1999) 5 SCC 762, and *High Court of Judicature at Bombay v. Shashikant S. Patil* (2000) 1 SCC 416).

[Emphasis laid]

18. *In Chairman & Managing Director, V.S.P. and others v. Goparaju Sri Prabhakara Hari Babu* (2008) 5 SCC 569, a two Judge Bench of this Court referred to several precedents on the Doctrine of Proportionality of the order of punishment passed by the Disciplinary Authority and held that :

“21. Once it is found that all the procedural requirements have been complied with, the courts would not ordinarily interfere with the quantum of punishment imposed upon a delinquent employee. The superior courts only in some cases may invoke the doctrine of proportionality. If the decision of an employer is found to be within the legal parameters, the jurisdiction would ordinarily not be invoked when the misconduct stands proved.”

19. *Laying down the broad parameters within which the High Court ought to exercise its powers under Article 226/227 of the Constitution of India and matters relating to disciplinary proceedings*, a two Judge Bench of this Court in *Union of India and Others v. P. Gunasekaran* (2015) 2 SCC 610 held thus :

“12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Articles 226/227 of

the Constitution of India, shall not venture into reappreciation of the evidence. The High Court can only see whether:

- (a) the enquiry is held by a competent authority;*
- (b) the enquiry is held according to the procedure prescribed in that behalf;*
- (c) there is violation of the principles of natural justice in conducting the proceedings;*
- (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*
- (e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;*
- (f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;*
- (g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;*
- (h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;*
- (i) the finding of fact is based on no evidence.*

13. Under Articles 226/227 of the Constitution of India, the High Court shall not:

- (i) reappreciate the evidence;*
- (ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;*
- (iii) go into the adequacy of the evidence;*
- (iv) go into the reliability of the evidence;*
- (v) interfere, if there be some legal evidence on which findings can be based.*
- (vi) correct the error of fact however grave it may appear to be;*
- (vii) go into the proportionality of punishment unless it shocks its conscience.”*

20. In Union of India and others v. Ex. Constable Ram Karan, (2022) 1 SCC 373, a two Judge Bench of this Court made the following pertinent observations :

“23. The well-ingrained principle of law is that it is the disciplinary authority, or the appellate authority in appeal, which is to decide the nature of punishment to be given to the delinquent employee. Keeping in view the seriousness of the misconduct committed by such an employee, it is not open for the courts to assume and usurp the function of the disciplinary authority.

24. Even in cases where the punishment imposed by the disciplinary authority is found to be shocking to the conscience of the court, normally the disciplinary authority or the appellate authority should be directed to

reconsider the question of imposition of penalty. The scope of judicial review on the quantum of punishment is available but with a limited scope. It is only when the penalty imposed appears to be shockingly disproportionate to the nature of misconduct that the courts would frown upon. Even in such a case, after setting aside the penalty order, it is to be left to the disciplinary/ appellate authority to take a call and it is not for the court to substitute its decision by prescribing the quantum of punishment. However, it is only in rare and exceptional cases where the court might to shorten the litigation may think of substituting its own view as to the quantum of punishment in place of punishment awarded by the competent authority that too after assigning cogent reasons.”

21. *A Constitution Bench of this Court in State of Orissa and Others (supra) held that if the order of dismissal is based on findings that establish the prima facie guilt of great delinquency of the respondent, then the High Court cannot direct reconsideration of the punishment imposed. Once the gravity of the misdemeanour is established and the inquiry conducted is found to be consistent with the prescribed rules and reasonable opportunity contemplated under the rules, has been afforded to the delinquent employee, then the punishment imposed is not open to judicial review by the Court. As long as there was some evidence to arrive at a conclusion that the Disciplinary Authority did, such an order becomes unassailable and the High Court ought to forebear from interfering. The above view has been expressed in Union of India v. Sardar Bahadur (1972) 4 SCC 618.*

22. *To sum up the legal position, being fact finding authorities, both the Disciplinary Authority and the Appellate Authority are vested with the exclusive power to examine the evidence forming part of the inquiry report. On finding the evidence to be adequate and reliable during the departmental inquiry, the Disciplinary Authority has the discretion to impose appropriate punishment on the delinquent employee keeping in mind the gravity of the misconduct. However, in exercise of powers of judicial review, the High Court or for that matter, the Tribunal cannot ordinarily reappreciate the evidence to arrive at its own conclusion in respect of the penalty imposed unless and until the punishment imposed is so disproportionate to the offence that it would shock the conscience of the High Court/Tribunal or is found to be flawed for other reasons, as enumerated in P.Gunasekaran (supra). If the punishment imposed on the delinquent employee is such that shocks the conscience of the High Court or the Tribunal, then the Disciplinary/Appellate Authority may be called upon to re-consider the penalty imposed. Only in exceptional circumstances, which need to be mentioned, should the High Court/Tribunal decide to impose appropriate punishment by itself, on offering cogent reasons therefor.*

23. Applying the law laid down above to the instant case, we are of the view that the High Court ought not to have interfered with the findings of fact recorded by the Disciplinary Authority.”

20. Applying the aforesaid principles to the facts of the present case, we are of the considered opinion that the learned Single Judge correctly appreciated the limited scope of judicial review and declined to substitute judicial opinion in place of the findings recorded in the disciplinary proceedings. However, the Division Bench, while exercising appellate jurisdiction in the Letters Patent Appeal, clearly transgressed the settled parameters of judicial review by reappreciating the evidence and disturbing concurrent findings of fact recorded by the disciplinary authority, the Appellate Authority and the Revisional Authority. Such an approach cannot be countenanced in law.

21. Rule 828 of the Jharkhand Police Manual read with Appendix 49, prescribes the procedure for imposition of major penalties. In the present case, it is evident that Respondent No. 1 was duly served with a charge memorandum, furnished with relevant materials, afforded adequate opportunity to submit his defence, participated in the enquiry proceedings, received a copy of the enquiry report, and submitted his representation thereon. The requirements of procedural fairness and substantial compliance with the prescribed procedure thus stand satisfied.

22. Since the allegations levelled against Respondent No. 1 pertain to impersonation, fraud, use of forged credentials, dual employment in police departments and unauthorised absence, the continuance of such an employee in service would be wholly detrimental to institutional discipline, public confidence, and the credibility of the police force. The order of dismissal passed against Respondent No. 1 was a proportionate and justified administrative measure arising out of a fair and lawful enquiry. Therefore, the Division Bench was not justified in reappreciating the evidence and setting aside the punishment imposed.

23. We are further of the considered view that the matter does not rest merely within the realm of departmental misconduct. The allegations, now reinforced by forensic findings, prima facie disclose the commission of cognizable offences such as cheating, impersonation, forgery, use of forged documents and furnishing false information to public authorities under the Indian Penal Code or the corresponding provisions of the Bharatiya Nyaya Sanhita, as applicable.

24. Public employment, particularly in the police service, cannot be converted into an instrument of fraud. If individuals entrusted with enforcing the law themselves secure entry into service through deception and fabricated credentials, it would seriously erode the rule of law. In these circumstances, while restoring the disciplinary action, it is both necessary and appropriate to direct initiation of criminal proceedings in accordance with law.

25. Accordingly, the Director General of Police, Bihar and the Director General of Police, Jharkhand, shall ensure that the matter is examined by the competent jurisdictional police authority and appropriate steps be taken, in accordance with law.

26. It is clarified that the observations made herein are for the purpose of adjudication of the present service matter and for directing examination of the criminal aspect. Any criminal proceedings shall be decided on their own merits.

27. The impugned judgment of the Division Bench is accordingly set aside. The judgment of the learned Single Judge along with the order of dismissal passed by the disciplinary authority, as affirmed by the appellate authority and the revisional authority stands restored.

27.1. In the background of the discussions made in this judgment, we deem it necessary to exercise our jurisdiction under Article 142 of the Constitution of India, to do complete justice in the matter. Accordingly, Patna District Order No. 10524 of 2007 dated 26.12.2007 is quashed, and the appointment of Respondent No. 3, “Santosh Kumar”, son of Kamta Sharma as a Constable in the Bihar Police is set aside. The consequences, in law, shall follow.

28. This Civil Appeal stands allowed on the aforesaid terms. There shall be no order as to costs.

29. Pending application(s), if any, shall stand disposed of.

.....J.
[AHSANUDDIN AMANULLAH]

.....J.
[R. MAHADEVAN]

**NEW DELHI;
MAY 8, 2026**