HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writs No. 15970/2018

Kailash Chandra Sharma Son Of Shri Chanda Lal Sharma, Aged About 59 Years, R/o Near Post Office, Mangalpura, Jhalawar, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Medical And Health Department, Government Of Rajasthan, Government Secretariat, Jaipur.
2. The Additional Director, Medical And Health Services (Admn), Swasthya Bhawan, C Scheme, Jaipur, Rajasthan.
3. Chief Medical Health Officer, Jhalawar, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Himanshu Jain, Adv.

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Order

29/09/2018

1. The petitioner assails the order dated 15.05.2018 whereby he has been dismissed from service on account of having been convicted in the criminal case registered against him under Section 7, 13 (1) (d) read with Section 13 (2) of the Prevention of Corruption Act, 1988 by the competent court vide its judgment dated 23.10.2017.

2. Learned counsel submits that the conviction cannot be said to have attained finality in view of the appeal having been preferred before the High Court wherein sentence is already suspended. In the circumstances, the respondents ought to have awaited the result of the appeal.

3. Having heard learned counsel and after perusing the order impugned, this Court is of the view that once there is a conviction by a competent court merely because an appeal has been preferred the stigma of conviction cannot be washed away and therefore if the authorities have proceeded to dismiss the petitioner from service on account of the conviction which is for an offence relating to moral turpitude, no exception can be made to such an order and the said order does not warrant any interference.

4. However, liberty would be granted to the petitioner to take up his cause in relation to the impugned order dated 15.05.2018. If the conviction is set-aside by the Appellate Court subsequently.

5. With the aforesaid liberty granted to the petitioner, the present writ petition is held to be misconceived and the same is dismissed.

(SANJEEV PRAKASH SHARMA),J

R.Vaishnav

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